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TITLE 63

Public Health And Safety

Chapter 1.—Boards Of Health

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§ 1.1 State Board of Health—Members—Rules—Free choice of practitioners—Discrimination.—

There is hereby created, effective as of July 1, 1945, a state Board of Health, consisting of nine (9) members, one each from the respective Congressional Districts of the State, and one at large, and shall have been a resident of his or her District for the past five (5) years, each of whom shall be appointed by the Governor and confirmed by the Senate. The term of office of the members of such Board shall be for nine (9) years, except in the organization of such Board one member shall be appointed for a term expiring June 30, 1946, one member for a term expiring June 30, 1947, one member for a term expiring June 30, 1948, one member for a term expiring June 30, 1949, one member for a term expiring June 30, 1950, one member for a term expiring June 30, 1951, one member for a term expiring June 30, 1952, one member for a term expiring June 30, 1953 and one member for the term expiring June 30, 1954. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. No member shall be removed from office except for one of the causes and pursuant to the procedure specified in 51 Oklahoma Statutes 1941, Sections 91-105. Such members shall be qualified electors of this State. At all times at least a majority of such members shall be duly licenses¹ as physicians and surgeons by the State Board of Medical Examiners and members of the Oklahoma State Medical Association. The members of such Board shall receive as compensation for their services the sum of Ten (\$10.00) Dollars per day and their actual and necessary expenses while engaged in the performance of their official duties, provided, the total expense for each member may not exceed One Hundred (\$100.00) Dollars per year. Within ten (10) days after their appointment the members of said Board

shall take and subscribe to the oath of office prescribed by the Constitution of this State and shall organize by electing necessary officers. The Board is hereby authorized to adopt rules and regulations for its government and to adopt and use an official seal. Said Board may also adopt such rules and regulations as the State Board of Health and the Commissioner of Health, as same existed prior to the effective date of this Act,² had the right to adopt. Provided nothing in this Act shall prevent citizens of this State from the free choice of any practitioner of the healing art who is licensed to practice his profession in the State of Oklahoma nor shall the Act be construed to permit one legalized profession of the healing art to discriminate in any manner against any other profession of the healing art so licensed to practice their profession by the State of Oklahoma. "Laws 1945, p 224, §1.

¹ Probably should read "licensed."

² Sections 1.1-1.5 of this title.

Effective on approval April 28, 1945.

Section 6 of the Act of 1945 repealed section 1 of this title.

^a-See Section 4, 1941, end of this chapter.

Title of Act:

An Act providing for the creation, powers and duties of the State Board of Health and for the appointment, removal and compensation of its members; authorizing the appointment of a State Commissioner of Health and prescribing his qualifications, compensation and manner of appointment; defining the powers and duties of the State Commissioner of Health; providing for the selection and compensation of employees of the State Department of Public Health; providing for the acceptance and disbursements of grants, Government allotments, gifts, devises, bequests, and appropriations, and other moneys; fixing the effective date of said Act; repealing 63 Oklahoma, Statutes 1941, Section 1; and declaring an emergency. Laws 1945, p. 224.

§ 1.2 State Commissioner of Health.—The State Board of Health shall appoint from outside its own membership a State Commissioner of Health, who shall hold such office at the pleasure of the Board. Such Commissioner must be eligible to receive a license to practice medicine and surgery in Oklahoma from the State Board of Medical Examiners, must procure such license if not already so licensed within at least six (6) months after the date of his appointment, and must be of skill and experience in public health duties and sanitary science. The salary of such Commissioner shall be Four Thousand Eight Hundred (\$4,800) Dollars per annum, to be paid monthly as other state officers are paid, and he shall also receive his actual

and necessary expenses incurred while engaged in the performance of his official duties. Said Commissioner shall take the oath of office prescribed by the Constitution of Oklahoma. Laws 1945, p. 225, § 2.

§ 1.3 Duties and Powers of Commissioner. — Effective as of July 1, 1945, all duties and powers by law imposed upon or delegated to the State Board of Health and/or the Commissioner of Health as same existed prior to the effective date of this Act,¹ except the making of rules and regulations, are hereby imposed upon and delegated to the Commissioner of Health appointed under the provisions of this Act. Said Commissioner is also authorized to use the Seal of the State Department of Health and to conduct such investigations and to administer oaths therein as are necessary in the discharge of his said duties. The State Commissioner of Health, in his discretion, shall appoint or employ the personnel authorized for the State Department of Health, and shall have supervision of the administration, execution and enforcement of the rules and regulations of the Board.^b Laws 1945, p. 225, § 3.

¹ Sections 1.1- 1.5 of this title.

^b See Section 3, 1941, end of Chapter.

§ 1.4 Grants, Allotments, Gifts, Etc.—The Board of Health shall have the right to accept and disburse grants, government allotments, gifts, devises, bequests, and appropriations, and other moneys from corporation or private individuals. Laws 1948,¹ p. 226, § 4.

¹ Probably should read 1945.

§ 1.5 Meetings of Board.—There shall be at least two meetings of the Board annually, and such number of additional regular meetings as the Board shall prescribe. The time for the holding of such meetings, and the manner of notifying the Board Members thereof, shall be determined by the Board. Special meetings of the Board may be called at such times, in such manner, and upon such notice as the Board shall prescribe. Laws 1945, p. 226, § 5.

§ 2. Assistant Commissioner of Health—Duties—Salary.—The State Commissioner of Health is hereby authorized to appoint an assistant State Com-

missioner of Health, who shall have the power to direct the affairs of the office in the absence of the Commissioner, sign requisitions for supplies, approve expense and salary vouchers, and who shall perform any other duties of the office assigned him by the Commissioner Health. Said Assistant State Commissioner of Health shall take and subscribe the constitutional oath of office, and shall receive as full compensation eighteen hundred dollars per annum, payable monthly out of the salaries, traveling and expense fund, of the pure food and drug division. Laws 1915, ch. 155, § 5.

C. S. 1921, § 8668; St. 1931, § 4444.
Health 7.

§ 3. Powers and Duties of Commissioner.—

Rules and regulations, power of state board of health, see sections 1.1 and 1.3 of this title.^b

^b-See Section 3, 1941, end of this chapter.

§ 4. Duties of Board.— State Board of Health, duties and powers imposed on State Commissioner of Health, see section 1.3 of this title.^a

^a-See Section 4, 1941, end of this chapter.

§ 5, 6. Repealed. Laws 1941, pp. 464, 466, §§ 4, 13. From R. L. 1910, § 6789; Laws 1915, ch. 155, § 1; Laws 1929, ch. 266, p. 391, § 4-A.

§ 7. Laboratory for examination of public water supply.— State Board of Health, duties and powers imposed on State Commissioner of Health, see section 1.3 of this title.^c

^c-See Section 7, 1941, end of this chapter.

§ 8. County Superintendent of Public Health—Appointment, qualifications and term—Powers.—^d

^d-See Section 8, 1941, end of this chapter.

Laws 1945, p. 231, effective on approval April 25, 1945, read as follows: "To encourage the establishing of full-time public health service, and to aid in financing County Health Departments or County Cooperative Health Departments, there is hereby appropriated to the State Commissioner of Health out of the State General Revenue Fund for the fiscal year ending June 30, 1946, the sum of One Hundred Forty-one Thousand Dollars (\$141,000.00), and for the fiscal year ending June 30, 1947, the sum of Two Hundred Thirty-one Thousand Dollars (\$231,000.00). Said monies shall be used by the State Commissioner of Health in aiding counties to finance such Health Departments. Said monies shall be disbursed on Sworn Claims for goods and services rendered to the County

Health Department, approved by the Commissioner of Health. Whenever a county, or a county in co-operation with any other subdivision or subdivisions of government in said county, provides local funds to finance its Health Department equal to the proceeds of one-half ($\frac{1}{2}$) of one mill county tax levy, or a sum equal to one-half ($\frac{1}{2}$) the cost of the Local Public Health requirements as determined by the Commissioner of Health, whichever sum is the smaller, such county shall be entitled to receive for such fiscal year Three Thousand Dollars (\$3,000.00) from said appropriation for the purpose of financing its Health Department, provided, however, that the Commissioner of Health may require two (2) or more adjoining counties to form a Health District. Said monies shall be in addition to any Federal grant of monies that may be available for such purpose. The State Commissioner of Health is hereby authorized in allocating said monies herein appropriated to determine what the county health program shall be, fix the number of personnel to be employed, prescribe their duties, fix their salaries, and require that adequate provision be made for travel expense; for quarters, utilities; equipment, supplies, and other expense. No county shall be entitled to receive any of the monies herein appropriated unless the above conditions are agreed to. Provided further, that nothing in this Act shall prevent patients of such hospitals and clinics who desire visual care from obtaining the services of a legally qualified optometrist."

State Board of Health, duties and powers imposed on State Commissioner of Health, see section 1.3 of this title.^d

^d-See Section 8, 1941, end of chapter.

§ 9. Repealed. Laws 1941, p. 462, § 1. State Board of Health, duties and powers imposed on State Commissioner of Health, see section 1.3 of this title.

§ 10. Boards in incorporated towns.—State Board of Health, duties and powers imposed on State Commissioner of Health, see section 1.3 of this title.^e

^e-See Section 10, 1941, end of chapter.

§ 11. City boards—Powers.—In cities in this State the mayor and common council shall constitute a board of health; said mayor and councilmen shall have the power, and are hereby authorized to appoint a city superintendent of public health,

who shall be a regularly licensed and practicing physician in good standing and of good moral character, and a resident of said city. The said mayor and council shall have the power, and it is hereby made their duty, to enforce all of the rules and regulations in regard to the public health therein, and to establish and maintain quarantine under the supervision of the city superintendent of public health as prescribed by the rules and regulations of the State Board of Health relating to all contagious and infectious diseases. R. L. 1910, § 6794.

Laws 1907-08, p. 709; C. S. 1921, § 8675; St. 1931, § 4451.

Nuisance, abatement of *Cummings v. Lobsitz*, 42 Okl. 704, 142 P. 993, L.R.A. 1915B, 415.

Health ☞ 2-6.


§ 12. Physicians in counties to report contagious diseases—Quarantine—Penalty.—It shall be the duty of all practicing physicians in each county to make a report to the county superintendent of public health for said county upon forms to be prescribed and furnished by the State Board of Health, of all the cases of infectious and contagious diseases. Such report shall be made by said physicians as soon as the disease is discovered, and upon failure on the part of the physician so to report said disease as herein provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than ten dollars and not more than twenty-five dollars. Upon receiving the said report it shall be the duty of the county superintendent, if such contagious and infectious disease exists in a township or town, to issue an order of quarantine to the board of health, as herein created, in such township or town, in such form as may be stipulated by the rules and regulations of the State Board of Health, requiring such township or town board of health to serve a true copy of said order of quarantine upon such person or persons having such contagious or infectious disease, and upon the person having charge of such person or persons, in the same manner as criminal processes are served, and thereupon such person having such contagious or infectious disease shall be, by said township or town board of health, isolated and confined, and all other persons exposed to said infectious and contagious disease shall, at the discretion of said township or town board of health, be also isolated and confined, and any per-

son having such disease or exposed to such infectious or contagious disease who shall leave the place where he has been isolated by any township or town board of health, or by any officer or other person acting under any order of the said township or town board of health, without the consent of the said board of health, shall be deemed guilty of a misdemeanor, and shall be fined not less than twenty-five dollars and not to exceed one hundred dollars. Any person confined or isolated by order of a township or town board of health shall not be released or relieved of such isolation or quarantine without an order from the county superintendent of public health made to the township or town board of health. Whenever a physician discovers a case of infectious disease he shall have the power, and it is hereby made his duty, to place into effect a temporary quarantine, under such rules and regulations as prescribed by the State Board of Health, and until the proper authority can order a quarantine and the penalty herein provided for the violation of a township or town quarantine shall be enforced against the violations of a quarantine order made by such physician. R. L. 1910, § 6795.

Laws 1907-08, p. 709; C. S. 1921, § 8676; St. 1931, § 4452.


8 A.L.R. 836; 22 A.L.R. 845; Health  24, 34.

§ 13. Physicians in cities to report to city superintendent of Public Health.—It shall be the duty of every practicing physician in any city, to make a report to the city superintendent of public health, upon forms prescribed and furnished by the State Board of Health, of all cases of infectious and contagious disease, as soon as discovered by him or coming to his knowledge. Any failure upon the part of said physician to report said disease as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of not less than twenty-five dollars nor more than one hundred dollars. R. L. 1910, § 6796.

Laws 1907-08, p. 710; C.S. 1921, § 8677; St. 1931, § 4453. Health  34.

§ 14. Quarantine in cities—Service of notice—Penalty.—Upon receiving said report it shall be the duty of the city superintendent of public health to issue an order of quarantine to the mayor of said city, on such form as may be stipulated by the rules and regulations of the State Board of Health

requiring such mayor to serve a true copy of said order of quarantine upon the person having such contagious or infectious disease, and upon the person having charge of said person in the same manner as criminal processes are served. Thereupon, said person having such contagious or infectious disease shall be, by said mayor and council composing such board of health, isolated and confined, and all other persons exposed to such contagious disease, shall at the discretion of the board of health be isolated and confined, and any person having such disease or so exposed to such contagious or infectious disease who shall leave the place where he has been isolated by said board of health, or by any officer or any other person acting under any order of said city board of health, without the consent of said board, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars. Any person confined or isolated by order of said city board of health, shall not be released or relieved of such isolation or quarantine without an order from the city superintendent of public health made to the city board of health. It shall be the duty of said city superintendent of public health to make a full report from time to time to the State Board of Health as to all cases of contagious and infectious diseases existing within said city at such times and under such rules and regulations that said State Board of Health may require. Whenever a physician in a city of the first class discovers a case of contagious or infectious disease, he shall have the power, and it is hereby made his duty, to place into effect a temporary quarantine under such rules and regulations as prescribed by the State Board of Health, and until the proper authorities can order a quarantine; and the penalties herein provided for the violation of a quarantine shall be in force against the violation of quarantine orders made by such physician. R. L. 1910, § 6797.

Laws 1907-08, p. 711; C.S. 1921, § 8678; St. 1931, § 4454. Health 24.

§ 15. Officers or deputies may serve orders of health officers or boards.—Orders made and issued by the county superintendent of public health, or the township or town board of health, may be served by the sheriff of the county, or any of his

deputies, or by the constable of such township or any of their deputies, or by any person a resident of said county, authorized so to do by the president, or in his absence, any member of the township board of directors. Orders made and issued by the county superintendent of public health, or the town board of health, may be served by the sheriff of the county, or by any of his deputies, or by the town marshal or any peace officer of the town, or any person authorized so to do by the president of the board of directors, or in his absence, any member of the said board of directors of said town. Orders made and issued by the city superintendent of public health, or the mayor and council as the city board of health, may be served by the city marshal or the chief of police of said city, or any policeman or other peace officer of said city, or any constable of said city, or any person deputized by the mayor, or in his absence, by the president of the council; and any such officer herein authorized to serve such orders as herein provided, or any person deputized to serve such orders as herein provided, shall have all the powers of a peace officer in the performance of his duties. R. L. 1910, § 6798.

Laws 1907-08 p. 712; C.S. 1921, § 8679; St. 1931, § 4455.
Health 9.

§ 16. Compensation of County Superintendents of Health—Prevention of spread of epidemics.—The county superintendent of health shall be paid the sum of five dollars per day for the time actually and necessarily served, to be paid by the board of county commissioners, and payable quarterly out of the salary fund of the county; Provided, that in no case except as provided in this act,¹ shall the county commissioners allow or pay, in counties of not more than 100,000 inhabitants, more than two hundred dollars (\$200.00) per annum; in counties exceeding 10,000 inhabitants, and not more than 20,000 inhabitants, more than three hundred dollars (\$300.00) per annum; in counties exceeding 20,000 inhabitants, and not more than 40,000 inhabitants, more than five hundred dollars (\$500.00) per annum; in counties with a population between 40,000 and 50,000 inhabitants, more than seven hundred dollars (\$700.00) per annum; and in counties over 50,000, more than fifteen hundred dollars (\$1,500.00) per annum; Provided, further, that shoul' an

emergency exist on account of dangerous epidemic, the county superintendent of public health and the board of county commissioners may make such provisions, rules and regulations as may be necessary under such conditions, to prevent the spread of such dangerous epidemic, and shall have full power to compel submission to any rules and regulations that they may deem for the best interests of their community to stamp out or prevent the spread of such epidemic. In addition thereto the board of county commissioners may allow and pay the actual and necessary expenses contracted in the discharge of the duties of the superintendent of public health when attempting to control and prevent the spread of any epidemic. R. L. 1910, § 6799; Laws 1910-11, ch. 81, p. 184, § 1.

¹ This section.

Laws 1907-08, p. 712; Laws 1910, p. 141; C. S. 1921, § 8680; St. 1931, § 7770.

Construction and application.—Board of Com'rs. of Creek County v. Robinson, 140 Okl. 142, 282 P. 299; Dorrough v. Board of Com'rs. of Carter County, 179, Okl. 109, 64 P. 2d 851.

Epidemics.—Echles v. Board of Com'rs. of Hughes County, 112 Okl. 33, 239 P. 567; Hume v. Tyand, 68 Okl. 261, 173 P. 813.

Mandamus.—Board of Com'rs. of Carter County v. Dorrough, 177 Okl. 346, 59 P. 2d 273.

8 A.L.R. 836; Health ☞ 7 (2), 23.

§ 17. **Quarterly report.**—State Board of Health, duties and powers, except the making of rules and regulations, imposed on State Commissioner of Health, see section 1.3 of this title.^f

^f-See Section 17, 1941, end of chapter.

§ 18. **Cities and towns may enforce sanitary legislation—Vital statistics.**—Any city or town may pass sanitary legislation and enforce the collection and registration of birth, health and mortuary statistics, but the same shall be subject to and not inconsistent with the rules and regulations of the State Board of Health touching the health interests of the county in which such city or town is situated. R. L. 1910, § 6801.

Laws 1907-08, p. 713; C.S. 1921, § 8682; St. 1931, § 4457. 93 A.L.R. 1413; Municipal corporations ☞ 597.

§ 19. **Further duties of county superintendent.**—State Board of Health, duties and powers, except the making of rules and regulations, imposed on State Commissioner of Health, see section 1.3 of this title.^g

^g-See Section 19, 1941, end of chapter.

§ 20. **Duty of State Commissioner in case of contagious disease.**—Upon receiving information that

there is any case of infectious or contagious disease in this State, the State Commissioner of Health, if upon investigation he deems it necessary, or some competent physician or health officer ordered by him, shall proceed immediately to said place and investigate the reported case and take such legal steps as he may deem necessary to protect the public health of the State or such locality. It is his duty to impose and enforce all proper restriction upon the ingress and egress of such infected locality, and to control the population of such infected locality, as to the disposition thereof, as shall best protect it and at the same time prevent the spreading of the infection. But this shall not prevent passengers from being transferred under guard from one railroad to another at railroad junctions, and all expenses incurred by said State Commissioner of Health or other physician directed by him to act in his place, as herein provided, in the performance of his duties, as provided in this section shall be paid by the State. R. L. 1910, § 6803.

Laws 1907-08, p. 713; C.S. 1921, § 8684; St. 1931, § 4459.
54 A.L.R. 656; Health ⚔7 (3).

§ 21. Peace officers to assist health officers.—
The State Commissioner of Health and the county superintendent of public health in each county shall have the right, and it shall be their duty, to call upon the sheriff of the county, or any constable of the county, the chief of police or marshal of any municipalities, where any contagious or infectious disease is discovered or located, to assist in the isolation and quarantine of the person having such contagious and infectious disease, and all persons exposed to said disease and liable to spread said disease, and it shall be the duty of any such officer to assist such health officer and to arrest any and all persons, with or without warrants, who violate any of the rules prescribed by the State Board of Health in reference to quarantine regulations. R. L. 1910, § 6804.

Laws 1907-08, p. 714; C. S. 1921, § 8685; St. 1931, § 4460.
Sheriffs and Constables ⚔86.

§ 22. Governor may furnish armed forces.—
State Board of Health, duties and powers imposed on State Commissioner of Health, see section, 1.3 of this title.^h

^h-See Section 22, 1941, end of chapter.

§ 23. Compensation of City Superintendent.—

The City Superintendent of Public Health in cities of the first class shall receive a reasonable compensation for his services as the mayor and council may by ordinance allow. R. L. 1910, § 6806.

Laws 1907-08, p. 714; C.S. 1921, § 8687; St. 1931, § 4462. Accession 62.

§ 24. Diseased prisoner may be removed.—

If a prisoner in a jail, house of correction or workhouse has a disease which, in the opinion of any county or city superintendent of public health, or such other physician as they or either of them may consult, is dangerous to the safety and health of other prisoners or of the inhabitants of the town or city, such county or city superintendent of public health shall, in writing, direct his removal to a hospital or such other place of safety, there to be provided for and securely kept until it is further ordered. If he recovers from the disease, he shall be returned to his former place of confinement. If the person so removed has been committed by order of the court or under judicial process, the order for his removal, or a copy thereof, attested by the health officer ordering such removal, shall be returned by such health officer with the doings thereon, into the court from which the process of commitment was issued. R. L. 1910, § 6807.

Laws 1907-08, p. 714; C.S. 1921, § 8688; St. 1931, § 4463. Prisons 13.

§ 25.—Removal of nuisance on private premises.—

State Board of Health, duties and powers imposed on State Commissioner of Health, see section 1.3 of this title.^b

^b-See Section 25, 1941, end of chapter.

§ 26. Abatement of common nuisance on conviction.—If any person is convicted on an indictment or information for a common nuisance to the public health, the court may order the nuisance to be removed, or destroyed, at the expense of the defendant, under the direction of the State, city, township or town board of health. R. L. 1910, § 6809.

Laws 1907-08, p. 715; C.S. 1921, § 8690; St. 1931, § 4465. Health 12-14.

§ 27. Pollution or obstruction of water supply—Punishment.—Whoever wilfully and maliciously deposits excrements, or foul or decaying matter, or in any manner corrupts any spring or reservoir or

other source of water used for domestic purposes, or destroys or injures any pipe, conductor of water, or other property pertaining to an aqueduct, or aids or abets in such trespass, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment for not more than thirty days in jail, or both such fine and imprisonment. R. L. 1910, § 6810.

Laws 1907-08, p. 715; C.S. 1921, § 8691; St. 1931, § 4466. Damages for pollution.—Champlin Refining Co. v. Brooks, 172 Okl. 124, 42P. 2d 811.

5 A.L.R. 1402; 72 A.L.R. 673; Waters and Water Courses 212.

§ 28. Reports of deaths, births and divorces.—

It shall be the duty of all physicians practicing in each county in the State to report, within thirty (30) days, to the county superintendent of public health, all births and deaths, with the causes of such deaths and the age and sex of the persons deceased; which said reports shall be verified by the affidavits of the reporting physicians, and said birth reports shall be filled out on typewriter or printed by hand, certified by either parent as to the authenticity and correctness of the information contained therein; and in case neither parent is surviving at the time birth report is made, then, in that event, said report shall be verified by nearest living kin or guardian; and if there be no living relatives and no guardian having been appointed, then, in that event, said report shall be verified by next friend; and physicians shall receive for each such report the sum of twenty-five cents, to be paid from the contingent fund of the county: Provided, that it shall be unlawful for the officer taking the oath of any physician to such an affidavit to make any charge therefor. It shall be the duty of the clerk of the District court to report to the State Board of Health the record of all divorces had in said court upon the close of the term at which said divorces were granted. The county superintendent of public health shall be required to transmit the report of the births and deaths reported to him by physicians to the State Board of Health as often as said Board may require.

Any physician failing to comply with any of the provisions of this Section shall be deemed guilty of a misdemeanor and subject to a fine of not more

than Ten (\$10.00) dollars. As amended Laws 1943, p. 148, § 1.

Effective on approval April 12, 1943.

State Board of Health, duties and powers imposed on State Commissioner of Health, see section 1.3 of this title.

§ 29. Violation a misdemeanor.—Any person who shall knowingly violate any of the provisions of this Article,¹ or any lawful rule or regulation of the State Board of Health, or any rule or regulation of any inferior board of health, herein authorized to be made, shall be guilty of a misdemeanor, and on conviction, except as otherwise provided in this article, shall be punished by a fine of not less than ten dollars and not more than fifty dollars, or imprisonment in the county jail not more than thirty days, or both such fine and imprisonment. R. L. 1910, § 6812.

¹ R. L. 1910, ch. 67, art. 1 incorporated in this title.

Laws 1907-08, p. 716; C.S. 1921, § 8693; St. 1931, § 4468. Health ⚡37.

§ 30. Obstructing health officer.—Any person who wilfully opposes or obstructs any health officer or physician charged with the enforcement of the health laws, in performing any legal duty, is guilty of a misdemeanor. R. L. 1910, § 6813.

C.L. Dak. 1887, § 6642; C.S. 1921, § 8694; St. 1931, § 4469.

Indictment and information.—Shilkett v. State, 29 Okl. Cr. 17, 232 P. 127.

12 A.L.R. 249; Obstructing Justice ⚡7.

§ 31. County Attorney to assist health boards.—It shall be the duty of the county attorney of each county to defend said boards of health in any suits against them and to prosecute any person who shall violate the provisions of this Article,¹ and he shall file and prosecute appropriate judicial proceedings in the name of the State on request of the State Commissioner of Health. R. L. 1910, § 6814.

¹ R.L. 1910, ch. 67, art. 1, incorporated in this title.

Laws 1907-08, p. 716; C.S. 1921, § 8695; St. 1931, § 4470.

District and Prosecuting Attorneys ⚡7 (1).

§ 32. False certificate of death a misdemeanor.—Any physician who makes or causes to be made a false certificate of death or who makes any false statements in any certificate of death made by him, on the body of a deceased person, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine in the sum of one hundred dollars and ninety days in jail.

R. L. 1910, § 6816.

Laws 1907-08, p. 717; C.S. 1921, § 8697; St. 1931, § 4472.
Health ☞ 37.

§ 33. Attorney General to prosecute and defend for state board.—State Board of Health, duties and powers imposed on State Commissioner of Health, see section 1.3 of this title.^j

^j—See Section 33, 1941, end of chapter.

§ 34. Hearings in District Court.—State Board of Health, duties and powers, except the making of rules and regulations imposed on State Commissioner of Health, see Section 1.3 of this title.^k

^k—See Section 34, 1941, end of chapter.

§ 35. Inspection districts.—For the purpose of more thoroughly inspecting hotels, barber shops, restaurants, stores and school premises of cities and towns in the State of Oklahoma, the State is hereby divided into four approximately equal parts, by the Santa Fe railroad running north and south, and by the Rock Island railroad running east and west; said divisions being designated as northeast division, southeast division, northwest division, southwest division, and to each one of these four divisions the Commissioner of Health shall assign one supervisor and two inspectors and said Commissioner of Health shall hold said supervisor and inspectors of each division responsible for thoroughly inspecting the hotels, restaurants, stores and school premises of the cities and towns of their particular division of the State, to the end that epidemics may be avoided; but, should there be an epidemic in any section or sections of the State, these supervisors and inspectors may be shifted from one division of the State to another by order of the Health Commissioner. Laws 1923, ch. 168, p. 271, § 2.

St. 1931, § 4531.
Health ☞ 7 (3).

§ 36. Federal agencies—Acceptance of grants—Cooperation.—The State Health Department of the State of Oklahoma by the agency in charge thereof is hereby authorized to accept grants of money, personnel and property from agencies of the United States of America to promote and carry on in this State program relating to public health, maternity and infancy care and hygiene, venereal disease control, tuberculosis eradication, malaria control, industrial hygiene and sanitation, urban and rural

sanitation, and other programs relating to public health which the Federal Government desires to sponsor in this State through the State Health Department. The State Health Department is hereby authorized to cooperate with the agencies of the Federal Government in carrying out said programs, and to accept grants on the terms and conditions required by the Federal agencies making the grants. Laws 1945, p. 226, § 1.

Effective on approval April 25, 1945.


Title of Act:

An act relating to public health, authorizing the State Department of Health to cooperate with Federal agencies in public health programs and to accept grants of money, personnel and property for the programs relating to public health, providing system for accounting and disbursing federal funds granted to the State Health Department, authorizing State Health Department to accept grants and donations from foundations and other persons and agencies for public health purposes; and declaring an emergency. Laws 1945, p. 226.

§ 37. Custody of funds—Accounts and disbursements—Grants and donations from foundations and others.—The State Treasurer of Oklahoma is hereby empowered and directed to act as custodian of funds allotted to the State Health Department of the State of Oklahoma by Federal agencies when requested to do so by said Federal agencies. The State Auditor is hereby empowered and directed to maintain a system of accounts for funds allotted to the State Health Department by Federal agencies and to issue warrants on said funds based on sworn claims submitted to him. Each fund allotted by Federal agency is to be kept as a separate fund and accounted for as a separate fund. The said Federal funds are to be disbursed and accounted for as are State appropriated funds subject to such exceptions requested by any Federal agency allotting funds to the said State Health Department. The State Health Department also is authorized to accept grants and donations from Foundations, persons and other agencies, for public health purposes, which funds shall be accounted for and disbursed in a similar manner herein provided for Federal grants. Laws 1945, p. 226, § 2.

Footnotes.—b. § 3. Powers and duties of Commissioner.—The State Commissioner of Health shall have power to make and enforce any and all needful rules and regulations for the prevention and cure, and to prevent the spread of any contagious,

infectious, or malarial diseases among persons; to establish quarantine and isolate any persons affected with contagious and infectious diseases; to remove or cause to be removed any dead, decaying or putrid body, or any decayed, putrid, or other substance that may endanger the health of persons or domestic animals; to condemn or cause to be destroyed any impure or diseased article of food that may be offered for sale; to superintend the several boards of health in the counties, cities, villages, towns and townships; to establish rules and regulations for the keeping and reporting of all vital statistics, births, deaths, marriages, and divorces as provided by this article.¹ R. L. 1910, § 6787.

¹ R. L. 1910, ch. 67, art. 1, incorporated in this title. Laws 1907-08, p. 706; C. S. 1921, § 8667; St. 1931, § 4445. 2 A.L.R. 1332; 24 A.L.R. 798; Health  7 (3).

a. § 4. Duties of board.—It shall be the duty of the State Board of Health, under the provisions of this Article,¹ to quarantine against outside territory known to be infected with contagious or infectious diseases, to take charge of districts or localities in the State infected with any contagious disease and enforce such rules and prescribe such measures as it may deem necessary to prevent the spread of the same or to suppress it; to take proceedings to have abated a nuisance, calculated to affect injuriously the health of the public in any community; to take cognizance of the interest of health and life among the citizens of the State, make sanitary investigations and inquiries relative to the cause of the disease, and especially of epidemics, the source of mortality and the effects of localities, employments, conditions and circumstances on the public health, to investigate the sanitary conditions of schools, prisons, public institutions, mines, railroads and street cars and all buildings and places of public resort, and to recommend, prescribe and enforce such measures of sanitation for them as may be deemed advisable; to advise the State and all local governments in all hygienic matters; to act in conjunction with city, town and township boards of health; and to make a report in writing to the Governor twenty days preceding each regular and special session of the Legislature, upon the sanitary condition, prospect and needs of the State, setting forth the action of the Board, all its

expenditures since the last preceding report, and such other matters as it may deem proper for the promotion of health or the prevention of disease; which said report shall be laid before the Legislature by the Governor at its ensuing term. R. L. 1910, § 6788.

¹ R. L. 1910, ch. 67, art. 1, incorporated in this title. Laws 1907-08, p. 707; C. S. 1921, § 8669; St. 1931, § 4446. Within reasonable bounds, Legislature may confer regulative powers upon State Board of Health and authority to adopt rules and regulations having force and effect of law. *Shilkett v. State*, 29 Okl. Cr. 17, 232 P. 127. Health 6.

c. § 7. Laboratory for examination of public water supply.—The Board of Health shall establish and maintain a chemical and bacteriological laboratory for the examination of public water supplies. Such examination shall be made as often as deemed necessary by the State Commissioner of Health, and shall cover the effluent of sewerage, purification work and the diagnosis of diphtheria, typhoid, fever, hydrophobia and all contagious and infectious diseases, and such other diseases as they may deem necessary and the examination of food suspected to be the cause of disease. The said chemical and bacteriological laboratory, as herein provided, shall be established and maintained at the office of the State Commissioner of Health. The said Board of Health shall have control and supervision under such rules and regulations as it may adopt, over the work required to be performed by said laboratory under the provisions of this article.¹ R. L. 1910, § 6790; Laws 1915, ch. 155, § 2.

¹ R. L. 1910, ch. 67, art. 1, incorporated in this title. Laws 1907-08, p. 707; C. S. 1921, § 8671; St. 1931, § 4447. Reports of analysis of water admissible in evidence. *Town of Sentinel v. Riley*, 171 Okl. 533, 43 P. 2d 742. Health 6.

d. § 8. County Superintendent of Public Health—Appointment, qualifications and term—Powers.—In every county in the state, there shall be appointed by the State Commissioner of Health a county superintendent of public health, who shall be a regular practicing physician, of good standing and of good moral character, and a resident of the county for which he was appointed; and he shall hold his office for a term of two years, or until his successor is appointed and qualified, unless sooner removed by the Commissioner of Health. The two year term shall run as follows: Beginning with the term of the Governor, and then running two

years, and then another two years term, expiring with the term of the Governor of the state. This being a legislative declaration as to the meaning of the original section. Said county superintendent of public health shall have power to abolish nuisances that are dangerous to public health, to isolate persons affected with dangerous and contagious diseases, and to do such other things with the approval of the State Board of Health, as may be deemed necessary for the preservation of the public health within said county; provided, that appointments of county superintendents of health shall be made from all the recognized schools of medicine, as near as may be, according to the relative per cent of practitioners of the various schools of the state. R. L. 1910, § 6791; Laws 1915, ch. 154, § 1.

Laws 1907-08, p. 708; C. S. 1921, § 8672; St. 1931, § 4448. Construction and application.—*Shilkett v. State*, 29 Okl. Cr. 17, 232 P. 127; *Board of Com'rs of Carter County v. Dorrough*, 177 Okl. 346, 59 P. 2d 273. Health ☞7.

e- § 10. Boards in incorporated towns.—In every incorporated town of the State, the town board of trustees shall constitute a board of health and shall perform all the duties herein required of the township board of directors and shall be under the same supervision of the State Board of Health and the county superintendent of public health. R. L. 1910, § 6793.

Laws 1907-08, p. 709; C. S. 1921, § 8674; St. 1931, § 4450. Health ☞2-6.

f- § 17. Quarterly report.—The county superintendent of public health shall make a quarterly report to the State Board of Health in the manner and form prescribed by the rules and regulations adopted by the State Board of Public Health, and such report shall contain such recommendations in regard to the public health in his county as he may deem advisable. R. L. 1910, § 6800.

Laws 1907-08, p. 713; Laws 1909, § 352; C. S. 1921, § 8681; St. 1931, § 4456. Health ☞7 (3).

g- § 19. Further duties of County Superintendent.—It is the duty of the county superintendent of public health to enforce the rules and regulations of the State Board of Health in the prevention of the spread of all infectious, contagious or epidemic diseases in his county; to investigate and examine into the causes thereof, and to recommend rules

and regulations to remedy the same, and to do such other things, in carrying out the purpose and object of its creation, as the State Board of Health may lawfully require of him. R. L. 1910, § 6802.

Laws 1907-08, p. 713; C. S. 1921, § 8683; St. 1931, § 4458. Health ☞7, (3).

h- § 22. Governor may furnish armed forces.—The Governor may, if he deem it wise and proper to do so, furnish the State Board of Health with requisite means to enforce its quarantine regulations, including armed forces from the National Guard of the State: Provided, however, that they shall at all times be under the direction and command of the Governor. R. L. 1910, § 6805.

Laws 1907-08, p. 714; C. S. 1921, § 8686; St. 1931, § 4461. Militia ☞15.

i- § 25. Removal of nuisance on private premises.—If any board of health or any county or city superintendent of public health in this State shall order the owner or occupant of any private premises, at his own expense, to remove any nuisance, source of filth, or cause of sickness found there, within twenty-four hours, or within such other time as it shall be considered reasonable, and such owner or occupant refuses and neglects to comply with such order, he shall be fined therefor not more than twenty-five dollars for every day he knowingly violates such order. Such order shall be in writing and may be served personally on the owner, occupant or his authorized agent, by any person authorized to serve civil process, or a copy of the order may be left at the last usual place of abode of the owner, occupant, or agent if he is known, and within the State. If the premises are unoccupied and the residence of the owner or agent is unknown, or is without the State, the board or county or city superintendent of public health may order the notice to be served by posting it on the premises and by advertising it in one or more newspapers. R. L. 1910, § 6808.

Laws 1907-08, p. 715; C. S. 1921, § 8689; St. 1931, § 4464. Wrongful removal. City of Okmulgee v. French, 182 Okl. 289, 77 P.2d 712. Health ☞12-14.

j- § 33.—Attorney General to prosecute and defend for state board.—It shall be the duty of the Attorney-General of the State, when called upon to do so by the State Board of Health, to prosecute all cases brought under the direction of the said board,

or to defend the said board in all suits or actions brought against it, in any court in the State, where the cause of action or complaint arose or grew out of the performance of its official duties. R. L. 1910, § 6818.

Laws 1907-08, P. 717; C. S. 1921, § 8699; St. 1931, § 4474. Attorney General ☞6.

k- § 34. Hearings in District Court.—Any person who has been aggrieved by any Act, rule or regulation of said Boards of Health, shall have his right of action to have such issue tried in the District Court of the county in which some member of the Board shall reside. R. L. 1910, § 6819.

Laws 1907-08, p. 718; C. S. 1921, § 8700; St. 1931, § 4475. Health ☞19.

Chapter 1A—Bedding (New)

Sec.

51. Definitions.
52. Labeling of bedding required.
53. Used materials from dump-grounds and hospitals.
54. Germicidal treatment of materials.
55. Enforcement of Act.
56. Permits.
57. Registration for selling.
58. Proceeds placed in general fund.
59. Penalties.
60. Sanitary premises.
61. Exceptions.
62. Unconstitutionality.

§ 51. Definitions.—

(a) The term “bedding” as used in this Act¹ shall mean mattresses, pillows, bolsters, feather beds and other filled bedding of any description.

(b) The term “Department” when used in this Act shall mean the State Board of Health.

(c) The term “person” as used in this Act shall include persons, partnerships, companies, corporations and associations.

(d) The term “renovate” as used in this Act shall mean to restore to former condition or to place in a good state of repair.

(e) The term “materials” as used in this Act shall mean all articles or portions thereof, used as filling or covering in the

manufacture, repair, or renovations of bedding.

(f) The term "new" as used in this Act shall mean any article or material which has not been previously used for any purpose.

(g) The term "second-hand" as used in this Act shall mean any article or material, or portions thereof, of which former use has been made in any manner whatsoever.

(h) Wherever in this Act the singular is used, the plural shall be included; and where the masculine gender is used, the feminine and neuter shall be included. Laws 1945, p. 235, § 1.

1 Sections 51-62 of this title.

Approved April 25, 1945.

Effective 90 days after April 26, 1945, date of adjournment.

Title of Act:

An act defining bedding to include mattresses, pillows, bolsters, feather beds, and other filled bedding of any description; requiring the labeling of bedding as to whether new or second-hand materials are used; prohibiting the use of materials from dump grounds, junk yards and hospitals; requiring germicidal treatment of second-hand mattresses; placing enforcement of this Act in the State Board of Health; requiring permits for manufacture, repair or renovation and application of germicidal process, payment of fees for permits, providing for the issuance of adhesive stamps and registration for selling bedding; providing that proceeds be placed in the State Treasury to the credit of the General Revenue Funds; creating positions of sanitary inspectors and setting salaries; providing penalty for violation; requiring bedding manufacturers or renovators to keep premises sanitary, except all bedding manufactured, repaired or renovated or sold prior to effective date of this Act; making provisions of Act severable. Laws 1945, p. 235.

§ 52. Labeling of bedding required.—

(a) All bedding shall bear securely attached thereto and plainly visible, a substantial white cloth tag upon which shall be indelibly stamped or printed with black ink, in the English language, a statement showing whether new materials or second-hand materials have been used in filling such bedding, and type or grade of cotton and all other materials used in filling mattress to which attached when new materials are used, with approximate percentages when mixed; what germicidal treatment, if any, has been applied to the materials or to the bedding; the date of such germi-

cidal treatment, the number of the permit of the person manufacturing the bedding; and the number of the permit of the person applying such germicidal treatment, if any.

(b) The terms used on the tag to describe materials shall be restricted to those defined in the regulations of the department, and no trade or substitute terms shall be used.

(c) It shall be unlawful to make any false or misleading statements on the tag required by this Section. It shall be unlawful for any person to remove, deface, alter, or cause to be removed, defaced or altered, any tag or statement contained thereon for the purpose of defeating any of the provisions of this Act.¹ The placing of registration stamps required in Section 7 of this Act² over any lettering on the tag, shall be construed to be defacement of the tag.

(d) The size of the tag to be affixed to new bedding required by this Section shall not be less than six (6) square inches, and the lettering thereon, covering the statement of filling materials, shall be in plain type not less than one-eighth ($1/8$) inch in height.

(e) Every article of bedding manufactured for resale containing second-hand material, shall bear, securely sewn thereto on all four sides of the tag, four (4) by eight (8) inches in size, upon which shall be indelibly stamped or printed in red ink, in the English language, in plain type not less than one-half ($1/2$) inch in height, stating: "second-hand material." Laws 1945, p. 235, § 2.

¹ Sections 51-62 of this title.

² Section 57 of this title.

§ 53. Used materials from dump-grounds and hospitals.—No person shall manufacture, repair or renovate into bedding or batting, using discarded materials obtained from dump-grounds, junk yards, or hospitals within or without the State of Oklahoma. Laws 1945, p. 236, § 3.

§ 54. Germicidal treatment of materials.—All second-hand materials or portions thereof, for resale, shall be subjected to a germicidal treatment that will render said second-hand material safe for human use. Laws 1945, p. 236, § 4.

§ 55 Enforcement of act.—The State Board of Health is hereby charged with the enforcement of this Act,¹ for the protection of health and to prevent the spread of disease; to make rules and regulations providing for examination of bedding offered for sale; to embargo bedding suspected of being improperly labeled; to regulate disposal of bedding determined to be unsafe for human use, and to prescribe means, methods, and practices to make effective such provision. Laws 1945, p. 236, § 5.

¹ Sections 51-62 of this title.

§ 56. Permits.—

(a) No person shall engage in the business of manufacturing, repairing, or renovating any bedding unless he shall have obtained a permit from the Department.

(b) No person shall be considered to have qualified to apply an acceptable germicidal process until such process has been registered with and approved by the Department, after which a numbered permit shall then be issued by the Department. Such permit shall expire on June 30th following date of issue and shall thereafter be annually renewed at the option of the permit holder upon submission of proof of continued compliance with the provisions of this Act¹ and the regulations of the Department. Every person to whom a permit has been issued shall keep such permit conspicuously posted on the premises of his place of business near the treatment device. Holder of permits to apply germicidal treatment shall be required to keep an accurate record of all materials which have been subjected to germicidal treatment, including the source of material, date of treatment, and name and address of buyer of each, and such records shall be available for inspection at any time by authorized representatives of

the Department.

(c) For all initial permits issued, as required by the preceding paragraph (a) of this Section, there shall, at time of issuance thereof, be paid by the applicant to the Department, a fee of Five Dollars (\$5.00), an annual renewal charge of Two Dollars and Fifty Cents (\$2.50) shall be paid to the same Department.

(d) For all initial permits issued, as required by the preceding paragraph (b) of this Section, there shall, at the time of issuance thereof, be paid by the applicant, to the Department, a fee of Twenty-Five Dollars (\$25.00). An annual renewal charge of One Dollar (\$1.00) shall be paid to the same Department.

(e) Any permit issued in accordance with the provisions may be revoked by the State Health Office upon proof of violation of any of the provisions of this Act. A reissuance of said permit shall be subject to provisions as set forth for an initial permit. Laws 1945, p. 236, § 6.

¹ Sections 51-62 of this title.

§ 57. Registration for selling.—

(a) No person shall manufacture, renovate, sell or lease or have in his possession with intent to sell or lease in the State of Oklahoma any bedding covered by the provisions of this Act,¹ unless there be affixed to the tag required by this Act by the person manufacturing, renovating, selling or leasing the same, an adhesive stamp prepared and issued by this Department. Provided, however, that the provisions of this Section shall not apply to the sale of bedding owned and used by a householder and his family at auction or private sale.

(b) The Department shall register all applicants for stamps and assign to every such person a registration number, which thereafter shall constitute identification record, and said identification shall not be used by any other person.

(c) Adhesive stamps as provided for by this Act shall be furnished by the Department in quantities of not less than five hundred (500), for which the applicant shall pay at the rate of Five Dollars (\$5.00) for each five hundred (500) stamps. The State Health Officer is hereby authorized to prepare and cause to be printed, adhesive stamps which shall contain a replica of the seal of the State of Oklahoma, the registry number of the person applying therefor, and such other matter as the State Health Officer shall direct. Laws 1945, p. 237, § 7.

1 Sections 51-62 of this title.

§ 58. Proceeds placed in general fund.—

(a) All moneys obtained from the sale of stamps, fees and other moneys collected in the administration of this Act¹ shall be payable to the Department, and when collected shall thereafter be transmitted to the State Treasury and be placed in the General Revenue Fund of the State. To carry out the provisions of this Act there is hereby created in the Department of Public Health the following positions, at annual salaries not to exceed the amount set forth.

Sanitary Inspectors 2 @ \$2,400.00 (each) \$4,800.00.

Laws 1945, p. 237, § 8.

1 Sections 51-62 of this title.

§ 59. Penalties.—

(a) Any person, who shall be convicted of violation of any of the provisions of this Act,¹ or of the rules and regulations established thereunder, shall be sentenced to pay a fine of not less than Fifty Dollars (\$50.00) no more than One Hundred Dollars (\$100.00) for each offense.

(b) Each day of violation shall constitute a separate offense. Laws 1945, p. 237, § 9.

1 Sections 51-62 of this title.

§ 60. Sanitary premises.—Every bedding manufacturer or renovator shall keep his place of business in a sanitary condition satisfactory to the Health Department, and failure to do so shall be sufficient cause to revoke his permit. Laws 1945, p. 237, § 10.

§ 61. **Exceptions.**—The provisions of this Act¹ shall apply to all bedding manufactured, repaired, renovated, and/or sold after the effective date hereof; but the same shall not apply to bedding which has been manufactured, repaired or renovated prior to the effective date hereof. Laws 1945, p. 237, § 11.

¹ Sections 51-62 of this title.

§ 62. **Unconstitutionality.**—If any Section, subsection, sentence, clause, phrase or words of this Act¹ is, for any reason, held to be unconstitutional, such decree shall not affect the validity of any remaining portion of this Act. Laws 1945, p. 237, § 12.


¹ Sections 51-62 of this title.

Chapter 2.—Blindness.

Sec.

71. Ophthalmia Neonatorum—definition.
72. Physicians, etc.—duty to report—treatment.
73. Treatment—duty to administer antiseptic.
74. Report of use of nitrate of silver.
75. Health officer—duties.
76. State Board of Health—duties.
77. Violation of Act—punishment.
78. Religious Beliefs—persons having when excepted.

§ 71. **Ophthalmia neonatorum—Definition.**—That any inflammation, swelling or unusual redness in either one or both eyes of any infant, together with any unnatural discharge for the eye or eyes of such infant, independent of the nature of the infection, if any, occurring at any time within four weeks after the birth of such infant, shall be known as "Inflammation of the eyes of the newborn" (ophthalmia neonatorum). Laws 1921, ch. 4, p. 4, § 1.


C.S. 1921, § 9015; St. 1931, § 4479.
Health 28.

§ 72. **Physicians, etc.—Duty to report—Treatment.**—It shall be the duty of any physician, surgeon, obstetrician, midwife, manager or person in charge of a maternity home or hospital or other public or private institution in the State of Oklahoma, parent, relative, and persons attendant on or assisting in any way whatsoever any infant, or the mother of any infant at childbirth or any time within twenty-four hours after childbirth, knowing the conditions herein above defined to exist, to report within six hours and confirm such fact in writing within three days, to the local health officer of the county,

city, town, magisterial district or whatever other political division there may be within which the infant or the mother of any infant may reside.

In the event of there being no health officers in the county, city or town, in which the infant resides, midwives and other persons as herein above defined, excepting physicians, surgeons and obstetricians, shall immediately report such condition to some qualified practitioner of medicine. On receipt of such report, the health officer, or the physician notified, where no health officers exist, shall immediately give to the parents or persons having charge of such infant a warning of the dangers to the eye or eyes, of such infant, and shall for indigent cases provide the necessary treatment at the expense of said county, city or town. Laws 1921, ch. 4, p. 5, § 2.

C.S. 1921, § 9016; St. 1931, § 4480.

Health 34.

§ 73. Treatment—Duty to administer antiseptic.

—It shall be unlawful for any physician, or midwife, osteopaths and chiropractics practicing midwifery to neglect, or otherwise fail to instill immediately upon its birth, in both eyes of the new-born child a one per cent solution of nitrate of silver or other proven antiseptic, which shall be furnished by the State Board of Health in individual ampules containing the proper solution and quantity for one treatment in both eyes. Should a physician or the parents of said child prefer to use a form of prophylaxis other than the one prescribed by above, he may do so provided that he states in writing his reasons for doing so to the local health officer of the county, city, town, magisterial district or whatever political division there may be within which the infant or the mother of any infant may reside, within three days from the date of administering same. Should a physician or the parents of said child deem it best for the interests of his patient, not to use any prophylactic, he shall not be required to do so provided that he states fully in writing, to the local health officer of the county, city, town, magisterial district or whatever other political division there may be within which the infant or the mother of any infant may reside,

within three days from the birth of said child, his reasons for not doing so. Laws 1921, ch. 4, p. 5, § 3.

C.S. 1921, § 9017; St. 1931, § 4481.
Health ↪23.

§ 74. Report of use of nitrate of silver.—Every physician or midwife shall, in making a report of a birth, state whether or not the above solution was instilled into the eyes of said infant. Laws 1921, ch. 4, p. 5, § 4.

C.S. 1921, § 9018; St. 1931, § 4482.
Health ↪34.

§ 75 Health Officer—Duties.—It shall be the duty of the local health officer:

1. To investigate, or have investigated, each case of reported ophthalmia neonatorum as shall have been filed with him in pursuance of the law, and such other cases as may be brought to his attention.

2. To report to the State Board of Health all cases of inflammation of the eyes of the new-born and the result of all such investigations in such form as the State Board of Health may prescribe and direct.

3. To conform to such other rules and regulations as the State Board of Health shall designate and promulgate for its further guidance. Laws 1921, ch. 4, p. 5, § 5.

C.S. 1921, § 9019; St. 1931, § 4483.
Health ↪23.

§ 76.—State Board of Health—Duties.—It shall be the duty of the State Board of Health:

1. To enforce the provisions of this Act.¹

2. To promulgate such rules and regulations as shall, under this Act, be necessary to secure the purposes of this Act, and which the Board may deem necessary for the further and proper guidance of local health officers.

3. To provide for the gratuitous distribution of silver nitrate outfits, in individual ampules, containing a one per cent solution with proper directions for the use and administration thereof, to all physicians and midwives as may be engaged in the practice of obstetrics, or assisting at child-

birth. Such directions may also be printed in foreign languages in the discretion of the State Board of Health.

4. To publish and promulgate such further advice and information concerning the dangers and inflammation of the eyes of the new-born as is necessary for the prompt and effective treatment.

5. To furnish copies of this law to all physicians and midwives as may be engaged in the practice of obstetrics, or assisting at childbirth.


6. To report any and all violations of this Act as may come to their attention to the prosecuting attorney of the county wherein a misdemeanor as defined in Section 7 of this Act² shall have been committed, and to assist said official in any way possible, by securing necessary evidence, and otherwise.

7. To furnish birth certificates which shall include the question "Did you instill in each eye of the infant a one per cent solution of nitrate of silver, immediately after birth?" and to require a written answer to this question. Laws 1921, ch. 4, p. 6, § 6.

¹ Sections 71-78 of this title.

² Section 77 of this title.


C.S. 1921, § 9020; St. 1931, § 4484.

Health  23.

§ 77. Violation of act—Punishment.—Whoever, being a physician, surgeon, obstetrician, midwife, manager or person in charge of a maternity home or hospital, or public or private institution in the State of Oklahoma, violates any of the provisions of this Act,¹ shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum of not less than \$50.00 nor more than \$1,000.00 for the first offense, and not less than \$100.00 nor more than \$2,000.00 for subsequent offenses. Laws 1921, ch. 4, p. 6, § 7.

¹ Sections 71-78 of this title.


C.S. 1921, § 9021; St. 1931, § 4485.

Health  37.

§ 78. Religious beliefs—Persons having when excepted.—Nothing in this Act¹ shall be construed to compel persons or parents to conform to same, who have religious beliefs contrary to the use of medicines. Laws 1921, ch. 4, p. 6, § 8.

¹ Sections 71-78 of this title.

C.S. 1921, § 9022; St. 1931, § 4486.

Health  23.


Chapter 3.—Dead Bodies

Sec.

91. State Anatomical Board—creation and membership—duties—organization—rules and regulations—records of bodies received and distributed—exemptions.
92. Ascertainment if deceased person has relative, friend or representative—notice to and delivery of bodies to Anatomical Board—claim by relative or fraternal society—burials at public expense.
93. Autopsies—request of county attorney—consent of Anatomical Board—necessity.
94. Board to receive unclaimed bodies—distribution after ten days.
95. Surrender of body when claimed within ten days.
96. Authority to dissect, operate or experiment on dead bodies—record of bodies received.
97. Burial or cremation of bodies after scientific study completed.
98. Expenses borne by institutions receiving bodies—limitation on amount.
99. Neglect to perform duties—punishment.
100. Effect of partial unconstitutionality.
101. Shipment of dead body.
102. Violation by agent of railroad.
103. Post mortem Caesarian Section—Right to perform—non-liability of physician and hospital (New).
104. Non-liability of physician for failure to perform (New).

§ 91. State anatomical board—Creation and membership—Duties—Organization—Rules and regulations—Records of bodies received and distributed—Exemptions.—There is hereby created an ex officio board to be known as the State Anatomical Board, to be composed of the following members: The Dean of the University of Oklahoma School of Medicine, who shall be the Chairman thereof, and the head of the department of Anatomy and the head of the department of Surgery of each medical and dental school in the State of Oklahoma accredited by the State Board of Medical Examiners, whose duty it shall be to provide for the distribution and delivery of unclaimed dead human bodies, herein-after described, to and among such institutions as under the provision of this Act,¹ are entitled thereto. The dean of the University of Oklahoma School

of Medicine shall call a meeting of said Board for organization, and at a time and place fixed by him, within thirty (30) days after this Act becomes effective. The said Board shall have full power to establish rules and regulations for its government, and to appoint and remove officers, and shall keep full and complete minutes of its transactions. Records shall also be kept, under its directions, of all bodies received and distributed by said Board, and of the institutions to which the same may be distributed, which minutes and records shall be open at all times to the inspection of each member of said Board or any county within this State. The name of said Board of distribution shall be the Anatomical Board of the State of Oklahoma, hereinafter called the Anatomical Board. The Anatomical Board may, in its discretion, exempt any county, district, or institution from the provisions of this Act in any calendar year for any length of time. Laws 1935, p. 57, § 1.

¹ Sections 91-100 of this title.
Dead Bodies  1.

§92. Ascertainment if deceased person has relative, friend or representative—Notice to and delivery of bodies to anatomical board—Claim by relative or fraternal society—Burials at public expense.
—The warden or superintendent of any penitentiary, reformatory, house of correction or of any hospital, insane asylum and poor house, and any coroner, sheriff, jailor, city and county undertaker, and any other state, county, town or city officer in whose custody shall come the body of any deceased person, required to be buried at public expense, shall use reasonable effort to ascertain, if said deceased person has any relative, friend or other representative who will assume charge of said body for burial at his or her expense, and if such effort shall not result in the discovery of a claimant within twenty-four hours after death, said superintendent, warden, or other official or person enumerated above, shall immediately notify said Anatomical Board or such person or persons as may from time to time be designated by said Board as its duly authorized officer or agent, whenever such unclaimed body or bodies come to his or their possession, charge or control, (provided, that in any county which is entirely located more than

one hundred fifty (150) miles from an accredited medical or dental school the minimum period of notification shall be extended to forty-eight hours;) and shall, without fee or reward, surrender such unclaimed body or bodies to the Anatomical Board, and permit and suffer the said Board or its agents to take and remove all such unclaimed bodies to be used for the advancement of medical and Anatomical Sciences. Such notices shall be given to the said Anatomical Board in all cases, but no such body shall be delivered if any relative, by blood or marriage, shall previously claim the body for burial at the expense of such relative, but in the event the body shall be surrendered to said claimant for interment; nor shall any such body be delivered if any representative of a fraternal society of which deceased was a member, or a representative of any charitable organization, or if any friend of such deceased shall claim the said body for burial prior to delivery to the Board; said burial to be at the expense of such fraternal society, charitable organization or friend. In case of the death of any person whose body is required to be buried at public expense, and the duly authorized officer or agent of the Anatomical Board deems such body unfit for Anatomical purposes or the Anatomical Board does not need said body, he shall notify in writing the County Commissioners, or such other agency as may be in charge of the county paupers, of the county in which such person died, who shall direct some person to take charge of the body of such deceased indigent person, and cause it to be buried, and draw warrants upon the Treasurer of such county as provided by law for the payment of such expenses, or upon fund so provided. No warrants for the payment of the expenses of the burial of any person whose body is required to be buried at the public expense, shall be drawn or paid except upon the certificate of the duly authorized officer or agent of the Anatomical Board to the effect that such unclaimed body is unfit for Anatomical purposes, by reason of decomposition or contagious disease, or is not needed by the Anatomical Board, and that the provisions of this Act have been complied with. The County Commissioners shall, upon request of any relative of deceased to be buried at public expense, with con-

sent of County Health Officer in writing, cause the said body to be buried at public expense; but the Anatomical Board must be notified in writing in all such cases within seventy-two (72) hours after death of indigent person. Whenever through the failure of any person to deliver the body of a deceased indigent as required by this Act,¹ such unclaimed body shall become unfit for Anatomical purposes, and is so certified by the duly authorized officer or agent of said Anatomical Board, such body shall be buried in accordance with the provision of this Act; and the person so failing to deliver such unclaimed body shall pay to the County Treasurer the expense so incurred and upon the refusal or failure of such person on demand, to pay such expense, the County Commissioners or such other agency as may be in charge of the county paupers, may bring suit to recover the same, and the same may be recovered as debts of like amount are by law collectable. Laws 1935, p. 57, § 2.

¹ Sections 91-100 of this title.

Dead Bodies ☞ 1-6.

§ 93. Autopsies—Request of County Attorney—Consent of anatomical board—Necessity.—It is hereby declared unlawful for any person or persons to hold an autopsy on any dead human body mentioned in this article,¹ except on the request of county attorney of the county where such body is located, without the written, telegraphic or telephonic consent of the secretary of the said Anatomical Board; telegraphic or telephonic consent to be verified by written consent. Laws 1935, p. 58, § 3.

¹ Sections 91-100 of this title.

48 A.L.R. 1209; 52 A.L.R. 1446; Dead Bodies ☞ 1.

§ 94. Board to receive unclaimed bodies—Distribution after ten days.—The said Anatomical Board or its duly authorized agent shall take and receive such unclaimed bodies so delivered as aforesaid, and after holding said bodies for a period of ten (10) days to determine whether claimant for said bodies shall arise, shall distribute and deliver said unclaimed bodies on requisition to and among the institutions aforesaid, to be used for Anatomical purposes as such institutions shall determine. Laws 1935, p. 59, § 4.

12 A.L.R. 342; Dead Bodies, ☞ 1.

§ 95.—Surrender of body when claimed within ten days.—After an unclaimed body has been received by the said Anatomical Board or its duly authorized Agent, and has been preserved and stored, said body may be claimed within ten (10) days after death, by relatives, friends, fraternal or charitable organizations, for burial or cremation, at the expense of said claimant, and the body shall thereupon be surrendered to such claimant without charge of any character. Laws 1935, p. 59, § 5.

Dead Bodies ☞1.

§ 96. Authority to dissect, operate or experiment on dead bodies—Record of bodies received.—Any and all schools, colleges, and persons who may be designated by said Anatomical Board of the State of Oklahoma shall be, and are, by this Act¹ authorized to dissect, operate upon, examine and experiment upon such bodies hereinbefore described and distributed for the furtherance of medical and Anatomical science; and such dissections, operations, examinations and experiments shall not be considered as amendable² under any already existing laws for the prevention of mutilation of dead human bodies. Such persons, schools, or colleges shall keep a permanent record, sufficient for identification, of each body received from such Anatomical Board or agent, which record shall be subject to inspection by the Board or its authorized officer or agent. Laws 1935, p. 59, § 6.

¹ Sections 91-100 of this title.

² Probably should read "amenable."

Dead Bodies ☞1.

§ 97. Burial or cremation of bodies after scientific study completed.—After the institutions to whom said unclaimed bodies have been distributed by said Anatomical Board, shall have completed the scientific study of such unclaimed bodies, the remains thereof shall in every case be disposed of by decent burial or cremation, by the person or institution to whom said Anatomical Board may have delivered the same. Laws 1935, p. 59, § 7.

Dead Bodies ☞1.

§ 98. Expenses borne by institution receiving bodies—Limitation on amount.—Neither the county or municipality, nor any officer, agent or servant thereof, shall be at any expense by reason of the delivery or distribution of any such unclaimed body,

but all the expenses thereof, and of said Anatomical Board shall be borne by those institutions receiving said unclaimed bodies, in such manner as may be determined by said Anatomical Board, and in no case to exceed Fifteen (\$15.00) Dollars. Laws 1935, p. 59, § 8.

Dead Bodies ☞1.

§ 99. Neglect to perform duties—Punishment.—Any person having duties enjoined upon him by the provisions of this Act,¹ who shall neglect, refuse or omit to perform the same as hereby required shall be deemed guilty of a misdemeanor and shall on conviction thereof, be liable to a fine of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense. Laws 1935, p. 59, § 9.

¹ Sections 91-100 of this title.

Dead Bodies ☞7.

§ 100. Effect of partial unconstitutionality.—The Legislature declares that if any portion of this Act¹ is determined to be unconstitutional, it would nevertheless have enacted all of the remaining portion of this Act, and no such decision shall invalidate the entire Act. Laws 1935, p. 59, § 10.

¹ Sections 91-100 of this title.

Statutes ☞64 (2).

§ 101. Shipment of dead body.—No railroad or other corporation company shall receive for shipment to any point within the State or to any point without the State the body of a deceased person without there being exhibited to the agent or other employee having charge of the station of said railroad, or other transportation company, a certificate of death from the attending physician, stating the name of the person and the place where such person died, the date and cause of his death, and such general information as may be prescribed by the rules and regulations of the state board of health. Any person, having charge of the interment of a deceased person, who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not less than twenty-five dollars nor more than one hundred dollars, or by confinement in the county jail for not less than

thirty days nor more than ninety days. R. L. 1910, § 6815.

Laws 1907-08, p. 716; C.S. 1921, § 8696; St. 1931, § 4471. Health ☞35.

§ 102. Violation by agent or railroad.—Any agent, or employee, or officer of any railroad or transportation company, violating any of the provisions of this article,¹ shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than twenty-five dollars, nor more than one hundred dollars, or confined in the county jail for a period of not less than thirty days nor more than ninety days. R. L. 1910, § 6817.

¹ R.L. 1910, ch. 67, art. 1, incorporated in this title.

Laws 1907-08, p. 717; C.S. 1921, § 8698; St. 1931, § 4473. Health ☞37.

§ 103. Post mortem caesarian section—Right to perform—Non-liability of physician and hospital.—It shall be lawful for a physician, legally qualified to practice in the State of Oklahoma, to perform a post mortem Caesarian Section upon any female who is the victim of accidental death, who at the time of said death, is in the advanced stages of pregnancy and where said physician has reason to believe, following immediate and due examination, that said child is viable in the mother. In the performance of a Caesarian Section, under such circumstances, the physician and the institution or hospital where such operation is performed, shall not be liable, either civilly, or criminally, though performed without the consent by those in whom the law has recognized a legal right of the possession of the body of the deceased, provided the operation be performed in good faith and with due skill and without unnecessary injury or mutilation. Provided, however, said operation shall not be performed over the protest of those in whom the law has recognized a legal right to the possession of the body of the said deceased. Laws 1943, p. 134, § 1.

Effective 90 days after April 1, 1943, date of adjournment. Section 3 of this Act of 1943 repealed all conflicting acts and parts of acts.

§ 104. Non-liability of physician for failure to perform.—Failure on the part of the physician, under such circumstances, to perform a Caesarian operation shall not subject said physician to criminal liability, if in his opinion after due exam-

ination, the child is not viable at the time of the death of the female, while in the advanced stages of pregnancy. Laws 1943, p. 134, § 2.

Chapter 3A.—Electricians and Electrical Contractors (New).

§ 111.1 to 111.23 inclusive. State Health Department nor State Board of Health has no jurisdiction, authority or responsibility.

Chapter 4.—Explosives and Combustibles

§ 121 to 133.13 inclusive. State Health Department or State Board of Health has no jurisdiction, authority or responsibility.

Chapter 5.—Factories and Shops

Sec.

151. Bakeries and other food-stuff factories—sanitary regulations.
152. Employment of diseased persons—personal cleanliness—conveniences for employees.
153. Compliance with orders of factory inspector.
154. Ventilation of factories and shops.
155. Authority of factory inspector—arrests.
156. Repair of unsafe buildings, authority of factory inspector as to.
157. Compliance with orders of factory inspector.
158. Violation of act—punishment.

§ 151. Bakeries and other food-stuff factories—**Sanitary regulations.**—Every room or building occupied as a bakery or confectionery, canning, packing, pickling or preserving establishment, or for the manufacture of any food product, shall be drained and plumbed in a manner conducive to its healthful and sanitary condition, and constructed with air-shafts and windows or ventilating pipes sufficient to insure ventilation, as the factory inspector shall direct. No cellar or basement shall hereafter be used as a bakery, and no cellar occupied by a bakery on or before the passage of this Act, when once closed, shall be again opened for such use. Every bakery shall be provided with a wash room and a water closet apart from the bake room and rooms where the manufacturing of such food products is conducted; no water closet, earth closet or privy shall be within, or communicate directly with, a bake shop. Rooms used for the manufacture of flour or meal food shall be at

least eight feet in height. The side walls of such room shall be plastered or wainscoted, the ceiling plastered or ceiled with lumber or metal, and, if required by the factory inspector, shall be white-washed at least once in three months; the furniture, utensils and floor of such room shall be kept in a healthful sanitary condition. The manufactured flour or meal products shall be kept in dry, clean and airy rooms. The sleeping places for persons employed in a bakery shall be separate from the rooms where food products are manufactured or stored. Laws 1910-11, ch. 125, p. 276, § 1.

C.S. 1921, § 7240; St. 1931, § 4613.

86 A.L.R. 998; Food Ⓒ2.

§ 152. Employment of diseased persons—Personal cleanliness—Conveniences for employees.—No employer shall permit any person to work in his bake shop or other institution in which food stuffs are manufactured who is affected with pulmonary tuberculosis, scrofulous or venereal diseases, or with a communicable skin affection, and every employer shall maintain himself and his employees in a clean and sanitary condition while engaged in the manufacture, handling or sale of such food products. Every owner, agent or lessee of any establishment where food products are manufactured shall provide cuspidors or vessels to be used for expectoration purposes by employees; chairs shall also be furnished, and employees are hereby prohibited from sitting on any dough boards or tables used for the purpose of manufacturing, in any way whatever, any food products. Laws 1910-11, ch. 125, p. 277, § 2.

C. S. 1921, § 7241; St. 1931, § 4614. Food Ⓒ2.

§ 153. Compliance with orders of factory inspector.—The owner, agent or lessee of any property used as a bakery or in manufacturing food stuff, shall within thirty days after the service of notice upon him of an order issued by the Factory Inspector, comply therewith, or cease to use or allow the use of such premises as a bake shop. Such notice shall be in writing and may be served upon such owner, agent or lessee either personally or by mail, and a notice of registered letter, mailed to the last known address of such owner, agent or lessee shall be sufficient service. A copy of the

foregoing sections shall be conspicuously posted in each work room of every establishment affected by the provision of this Act.¹ Laws 1910-11, ch. 125, p. 277, § 3.

¹ Sections 151-158 of this title.

C.S. 1921, § 7242; St. 1931, § 4615. Master and Servants
12.

§ 154. Ventilation of factories and shops.—There shall be sufficient means of ventilation provided in each workroom of every manufacturing or mercantile establishment, laundry, renovating works, bakery or printing office within this State, and the Factory Inspector shall notify the owner, agent or lessee, in writing, to provide, or cause to be provided, ample and proper means of ventilation for such work room, and shall prosecute such owner, agent, or lessee if such notification be not complied with within the time specified by the Factory Inspector, after service of such notice. Laws 1910-11, ch. 125, p. 278, § 4.

C.S. 1921, § 7243; St. 1931, § 4616.

Master and Servants 12.

§ 155. Authority of factory inspector—Arrests.—The Chief Factory Inspector, and Deputy Factory Inspector, are hereby empowered to act as police officers with full power to arrest and detain any person found violating any of the provisions of this Act,¹ or any laws pertaining to factory inspection or parts thereof, or against whom there is found any evidence of a previous violation of such laws, provided, however, that no such person shall be detained for any period of time longer than twenty-four hours without warrant or the filing of a charge against him in a court of competent jurisdiction. Laws 1910-11, ch. 125, p. 278, § 5.

¹ Sections 151-158 of this title.

C.S. 1921, § 7244; St. 1931, § 4617.

Arrest 63 (2).

§ 156. Repair of unsafe buildings, authority of Factory Inspector as to.—If, in the opinion of the Factory Inspector, or Deputy Factory Inspectors, any building being used as a manufacturing establishment or work shop is in an unsafe or dilapidated condition, thereby endangering human life or property, he shall immediately notify the owner, agent or lessee thereof, specifying the defect, and require such repairs and improvements to be made as he may deem necessary, and the owner of said

premises shall immediately repair or correct such defects. Laws 1910-11, ch. 125, p. 278, § 6.

C.S. 1921, § 7245; St.1931, § 4618.
101 A.L.R. 408; Master and Servant Ⓒ12.

§ 157. Compliance with orders of Factory Inspector.—Every owner or person in charge of any manufacturing establishment, factory or work shop, shall comply with any order issued by the Factory Inspector, or Deputy Factory Inspector, within the time specified by such inspector, and notify the Department of Labor upon affidavit when such order has been complied with. Laws 1910-11, ch. 125, p. 279, § 7.

C. S. 1921, § 7246; St.1931, § 4619.
Master and Servant Ⓒ12.

§ 158. Violation of act—Punishment.—Any person, firm or corporation who fails to comply with any provisions of this Act¹ except as otherwise provided, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in a sum not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100), for each offense. Laws 1910-11, ch. 125, p. 279, § 8.

¹ Sections 151-158 of this title.
C.S. 1921, § 7247; St.1931, § 4620.
Master and Servant Ⓒ18.

Chapter 6.—Fire Escapes

Sec.

- 171. What buildings to have metallic fire escapes.
- 172. Rope fire escape.
- 173. Notices to be posted.
- 174. Penalty.
- 175. Fire chief to inspect buildings.

§ 171. What buildings to have metallic fire escapes.—Every building used in whole or in part, as a public building, public or private institution, school house, church, theatre, public hall, place of assemblage, or place of public resort, and every family hotel and apartment house, boarding house, lodging house, or tenement house, three or more stories in height, shall be provided with one or more metallic ladders or stair fire escapes attached to the outer walls thereof, and extending from, or suitably near the ground, to the uppermost story thereof, with platforms of such form and dimensions, and in such proximity to one or more windows of each story above the first as to render access to such ladders or stairs from each story

easy and safe; the number, location, material and construction of such escapes to be subject to the approval of the fire marshal, chief of the fire department, city or town marshal, or such other authority as may have the control of fire regulations in any city or town where such buildings are located: Provided, however, that all buildings more than two stories in height, used for manufacturing purposes or for dormitories, schools, seminaries, hospitals, or asylums, shall have at least one such fire escape for every thirty persons for which working, sleeping, or living accommodations are provided above the second stories of said buildings, and that all public halls with seating room above the first or second story shall be provided with such number of said ladders, or stair fire escapes, as the fire marshal, chief of fire department, city or town marshal, or such other authority as may have the control of fire regulations in any city or town where such buildings are located, may direct. R. L. 1910, § 6850.

Laws 1907-08, p. 427; C.S.1921, § 8751; St.1931, § 6118.
93 A.L.R. 1358; Health 32.

§ 172. Rope fire escape.—Independent of and in addition to the external iron fire escapes, that may be required by any law of this State, upon any hotel or large boarding house, tenement house, or in any building in which rooms or floors are let for numerous families, whenever any said building can accommodate twenty or more individuals, and is two or more stories in height, it shall be the duty of the owners of all said buildings to provide, and cause to be securely affixed inside to a bolt three-fourths of an inch in diameter through the wall near the window head of at least one window in each room on the second floor and in each room on each higher floor, a rope made of good material not less than one-half inch in thickness and of sufficient length to extend to the ground, or other place of landing; such rope escape in each room to be carefully coiled and kept near the sill of the window to which the escape is attached, and with directions of manner of use attached thereto. R. L. 1910, § 6851.

Laws 1907-08, p. 428; C.S.1921, § 8752; St.1931, § 6119.
Health 32.

§ 173. Notices to be posted.—It shall be the duty of every proprietor, custodian, superintendent or

other person or persons having the charge and control of such public buildings as are mentioned and described in the first section hereof¹ to post notices in every room and hall, and in a public and conspicuous place in such buildings, calling attention to the fact that this Article² has been complied with, and designating the places on each and every floor of such building where such metallic ladders or stair fire escapes and such rope escapes are located, and may be found. The metallic ladders, or stair fire escapes, and the rope escapes in this Article provided for shall be furnished, constructed and maintained at the expense of the owner or owners of the buildings. R. L. 1910, § 6852.

¹ Section 171 of this title.

² R.L. 1910, ch. 67, art. 4, sections 171-175 of this title. Laws 1907-08, p. 428; C.S.1921, § 8753; St. 1931, § 6120. Health ☞32.

§ 174. **Penalty.**—Any violation of any of the provisions of this Article¹ shall be deemed a misdemeanor, and any person convicted thereof shall be punished by a fine not less than five dollars nor more than five hundred dollars. R. L. 1910, § 6853.

¹ R.L. 1910, ch. 67, art. 4, sections 171-175 of this title.

Laws 1907-08, p. 428; C.S.1921, § 8754; St.1931, § 6121. 42 A.L.R. 1111; 77 A.L.R. 1273; Health ☞37, 43.

§ 175. **Fire Chief to inspect buildings.**—It shall be the duty of the chief of the fire department in all cities and towns to visit all public buildings, hotels, lodging houses, and buildings described herein, and which have and maintain fire escapes, at least once every three months, and to investigate whether the provisions of this Article¹ are duly observed, and to report all violations of the same, to the city or prosecuting attorney for prosecution. In cities or towns not having a chief of fire department, it shall be the duty of the marshal to perform the duties imposed by this section. R. L. 1910, § 6854.

¹ R.L. 1910, ch. 67, art. 4, sections 171-175 of this title.

Laws 1907-08, p. 428; C.S.1921, § 8755; St. 1931, § 6122. Health ☞32.

Chapter 7.—Food and Drugs

ADULTERATION and MISBRANDING

Sec.

181. Manufacture, sale, etc., of adulterated or misbranded food, drugs or medicines—articles for export.

182. Act or omission of officer, agent or employee.
183. Food and drug defined.
184. Standards of purity of foods, drugs, medicines and cosmetics—regulations and definitions.
185. Adulteration of food defined.
186. Food deemed mislabeled or misbranded, when.
187. Drugs deemed adulterated, when.
188. Drug deemed mislabeled or misbranded, when.
189. False or misleading statement, design or device as misbranding.
190. "Package" defined.
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192. Duty of hotel, restaurant or boarding house serving imitation or adulterated food—notice.
193. Certain lard substitutes excepted.
194. Label required on lard substitutes.
195. Non-compliance by possession of unbranded lard prima facie evidence of intent to sell.
196. Use of certain chemicals prohibited.
197. Imitation flavoring extracts.
198. Imitation honey.
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200. Adulterated spices and condiments.
201. Meats and fish, in transportation to be covered.
202. Taking orders to be deemed a sale.
203. Removal or counterfeit of brand or label a misdemeanor.
204. Sale of chemically preserved sea-foods a misdemeanor.
205. Any violation a misdemeanor.
206. Adulterated wheat flour to be labeled.
207. Possession of unbranded flour compound prima facie evidence of intent to sell.
208. Taking of orders for adulterated flour to be deemed a sale.
209. Sale of colored distilled vinegar unlawful.
210. Bread.
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256. Sheriff's fees and expenses.
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273. Apparatus and vessels—syrup, how kept.
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291. Users to cleanse containers.
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OLEOMARGARINE

§ § 301-313 Repealed Laws 1943, p. 149, § 1.

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324.8 Construction of plant—equipment.
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324.15 State Board of Health.
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State Board of Health, duties and powers imposed on State Commissioner of Health, see section 1.3 of this title.

ADULTERATION AND MISBRANDING

§ 181. Manufacture, sale, etc., of adulterated or misbranded food, drugs or medicines—Articles for export.—The manufacture, production, preparation,

compounding, packing, selling, offering or keeping for sale within the State of Oklahoma, or the introduction into the State from any other State or Territory, or the District of Columbia, or from any foreign country, of any article of food, drug, or medicine, which is adulterated, mislabeled or misbranded within the meaning of this Article¹ is hereby prohibited. Any person who shall import or receive from any other State or Territory or the District of Columbia, or from any foreign country, or who having so received shall deliver, for pay or otherwise, or offer to deliver to any other person, any article of food, drug or medicine mislabeled or misbranded within the meaning of this Article, or any person who shall manufacture or produce, prepare, compound, pack or sell, or offer to keep for sale in the State of Oklahoma any such adulterated, mislabeled or misbranded food, drug or medicine shall be guilty of a misdemeanor: Provided, that no article of food, drug or medicine shall be deemed adulterated, mislabeled or misbranded within the provisions of this Article where prepared for export beyond the jurisdiction of the United States and prepared or packed according to specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped. R. L. 1910, § 6915.

¹ R. L. 1910, ch. 67, art. 8, incorporated in this title. Laws 1909, p. 278; C.S.1921, § 8833; St.1931, § 4538. 76 A.L.R. 1207; 83 A.L.R. 1409; Druggists ☞2; Food ☞5, 15.

§ 182. Act or omission of officer, agent or employee.—When construing and enforcing the provisions of this Article,¹ the act, the omission or failure of any officer, agent, or other person acting for or empowered by any firm, corporation, society or association within the scope of employment of his office shall in either case be also deemed to be the act, omission or failure of such firm, corporation, society or association as well as that of the person. R. L. 1910, § 6916.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title. Laws 1909, p. 278; C.S.1921, § 8834; St.1931, § 4539. Corporations ☞526.

§ 183. Food and drug defined.—The term "food" as used in this article¹ shall include all articles of

food, meat, drink, liquor, beverage, confectionery or condiment, and substances used in the preparation of any such article of food, drink, liquor, beverage, confectionery or condiment, whether simple, mixed or compound, used by man or other animal. The term "drug" as used in this article shall include all drug and medicinal preparations recognized in the United States Pharmacopoeia or National Formulary for internal and external use, and any substance or mixture of substances to be used for the care, protection or prevention of disease, either of man or other animal. R. L. 1910, § 6917; Laws 1925, ch. 177, p. 280, § 1.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title. Laws 1909, p. 279; C.S. 1921, § 8835; St.1931 § 4540. 17 A.L.R. 1282; Druggists Ⓒ2; Food Ⓒ½.

§ 184. Standards of purity of foods, drugs, medicines and cosmetics—Regulations and definitions.—The standard of the purity of foods, drugs, medicines, and cosmetics shall be that proclaimed by the Secretary of the Department of Agriculture of the United States. The standard of purity of foods, drugs, medicines, and cosmetics shall be the United States Pharmacopoea¹ and National Formulary, and the regulation and definitions adopted for enforcement of the Federal Foods, Drugs, and Cosmetics Act of June 25, 1938,² shall be adopted for the enforcement of this article, together with such other rules and regulations as the State Commissioner of Health shall make from time to time, not in conflict herewith. R. L. 1910, § 6918; Laws 1939, p. 75, § 1.

¹ Probably should read "Pharmacopoeia."

² 21 U.S.C.A. §§ 301-392.

Laws 1909, p. 279; C.S. 1921, 8836; St.1931, § 4541. Druggists Ⓒ2.

§ 185. Adulteration of food defined.—Food shall be deemed adulterated within the meaning of this Article¹ in any of the following cases:

First. If any substance has been mixed or packed with the food so as to reduce or lower or injuriously affect its quality, purity, strength or food value.

Second. If any substance has been substituted wholly or in part for the article of food.

Third. If any essential or valuable constituent or ingredient of the article of food has been wholly

or partly abstracted.

Fourth. If it be mixed, colored, powdered, coated or stained in any manner whereby damage or inferiority is concealed.

Fifth. If it contains any added poisonous or other added deleterious ingredient in the food.

Sixth. If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the products of a diseased animal, or one that has died otherwise than by slaughter. R. L. 1910, § 6919.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title.

Laws 1909, p. 279; C.S.1921, § 8837; St.1931, § 4542.

98 A.L.R. 1496; Food 5.

§ 186. Food deemed mislabeled or misbranded, when.—Food shall be deemed mislabeled within the meaning of this article¹ in any of the following cases:

First. If it be in imitation of, or offered for sale under the distinctive name of another article of food.

Second. If it be labeled, branded or colored so as to mislead or deceive the purchaser, or if it be falsely labeled in any respect, or if it purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if the carcasses² of slaughtered animals which are to be sold or offered for sale for human consumption shall be mislabeled or not stamped or marked in plain and legible manner so as to show the grade or class of the animal on foot as classified by the purchaser at the time of purchase. Provided, that the provisions of this Act shall not apply to carcasses² of slaughtered animals raised by the individual owner and sold or offered for sale direct to the consumer.

Third. If in package form and the contents stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design or device, regarding the ingredients or the substance contained therein, which statement, design or device shall be false or misleading in any particular.

Fifth. When the package bears the name of the manufacturer, jobber or seller, or the grade of the product, it must bear the name of the real manufacturer, jobber or seller, and the true grade or class of the product, the same to be expressed in clear, distinct English words in legible type; provided, that an article of food shall not be deemed misbranded if it be a well known food product of a natural quality and appearance, and so exposed to public inspection as not to mislead or deceive, or tend to mislead or deceive a purchaser, and not misbranded and not of the character included within definitions one to four of this Section: Provided, further, that all packages of imitation butter and cheese shall be so labeled. R. L. 1910, § 6920; Laws 1925, ch. 177, p. 281, § 2.

¹ R.L.1910, ch. 67, art. 8, now incorporated in this title.

² Probably should read "carcasses."

Laws 1909, p. 280; C.S.1921, § 8838; St.1931, § 4543.

Food ☞15.

§ 187. Drugs deemed adulterated, when.—Drugs shall be deemed adulterated within the meaning of this Article,¹ in any of the following cases:

First. If when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity as determined by the tests laid down in the United States Pharmacopoeia or National Formulary official at the time of the investigation; Provided, that no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed adulterated under the provisions of this Article of the standard of strength, quality or purity or plainly stated upon the package thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formula.

Second. If the strength or purity fall below the

professed standard of quality under which it is sold. R. L. 1910, § 6921.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title.

Laws 1909, p. 281; C.S.1921, § 8839; St.1931, § 4544.

Druggists ☞2.

§ 188. Drug deemed mislabeled or misbranded, when.—A drug shall be deemed mislabeled or misbranded within the meaning of this article¹ in any of the following cases:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; or if the package offered for sale at wholesale or retail fails to bear the statement on the label of the quantity of any morphine, opium, cocaine, heroin, alpha or beta, eucaine, chloroform, cannibis indica, chloral hydrate, acetanilid, or other derivation or preparation of such substances combined therein, except when prescribed by a licensed physician, licensed dentist or licensed veterinary surgeon. R. L. 1910, § 6922.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title.

Laws 1909, p. 281; C.S.1921, § 8840; St.1931, § 4545.

Druggists ☞2.

§ 189. False or misleading statement, design or device as misbranding.—The term "misbranded" as used herein shall apply to all articles of food and drugs or articles which enter into the composition of foods and drugs, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein, which shall be false or misleading in any particular. R. L. 1910, § 6923.

Laws 1909, p. 281; C.S.1921, § 8841; St.1931, § 4546.

35 A.L.R. 782; Druggists ☞2; Food ☞15.

§ 190. "Package" defined.—The term "package" as used in this Article¹ shall be construed to include the original unbroken package, phial, bottle, jar, demijohn, carton, bag, case, can, box, barrel or any receptacle, vessel, or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer for inclosing any article of food or any drug or

medicine when exposed or offered for sale. R. L. 1910, § 6924.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title.
Laws 1909, p. 282; C.S. 1921, § 8842; St. 1931, § 4547.
90 A.L.R. 1290; Druggists Ⓒ2; Food Ⓒ2.

§ 191. *Prima Facie* evidence of violation.—

The possession of any adulterated, mislabeled or misbranded article of food, drug or medicine or the offering for sale, or the sale of any adulterated, mislabeled or misbranded food, drug or medicine by any manufacturer, producer, jobber, packer or dealer in foods, drugs or medicine, or broker or commission merchant, agent, employee or servant of any such manufacturer, producer, jobber, packer or dealer shall be *prima facie* evidence of the violation of this article:¹ Provided, that whenever it shall appear to the State Commissioner of Health that any person has violated, or is violating, any of the provisions of this Act,² said commissioner shall notify such person or persons and shall give him or them an opportunity to be heard under such rules and regulations as may be prescribed therefor. R. L. 1910, § 6925.

¹ R. L. 1910, ch. 67, art. 8, incorporated in this title.
² Laws 1909, p. 278, incorporated in this title.
Laws 1909, p. 282; C.S. 1921, § 8843; St. 1931, § 4548.
Druggists Ⓒ12; Food Ⓒ21.

§ 192. *Duty of hotel, restaurant or boarding house serving imitation or adulterated food*—Notice.—Whenever any hotel, tavern, restaurant or boarding house shall knowingly serve, for the use of its patrons, such food as is defined in this Article¹ as compounds, imitations, blends (except coffee), renovated butter, imitation cheese, adulterated milk or adulterated lard, it shall keep conspicuously posted, or printed in a bill form, in plain and legible words, a list of the articles of food so served and shall give the brands or labels upon the original package, or show the constituent parts of such food articles. R. L. 1910, § 6926.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title.
Laws 1909, p. 282; C.S. 1921, § 8844; St. 1931, § 4549.
52 A.L.R. 669; Food Ⓒ7.

§ 193. *Certain lard substitutes excepted*.—The provisions of this Article¹ shall not apply to substances for sale in this State, made in the semblance of lard, if the ingredients or component parts shall consist of pure lard, leaf or pure stearine, and cottonseed oil, that is one per cent of legitimate and exclusive fat of the hog, or pure lard,

pure stearine, or beef fat, and ninety-nine per cent of cottonseed oil, and the tierce, tub, pail or package containing the same is distinctly and legibly branded, marked or labeled, "Lard Compound" or "Compound Lard" or "Lard Substitute" in letters proportional to the size of the package, and if such mixtures contain any other substance than pure lard, pure stearine or beef fat or pure cottonseed oil, then the person or corporation so manufacturing shall cause the tierce, barrel, tub, pail or package containing the same to be distinctly and legibly branded, marked or labeled "Adulterated Lard". The term "Lard Compound" or "Compound Lard" as used herein, shall include all articles of food used as lard or made in the semblance of lard which shall be composed of two or more ingredients or component parts consisting of either cottonseed oil, pure lard or hog lard, beef fat or pure stearine, the percentage of either of the two or more ingredients used to be in the discretion of the manufacturer. The term "Lard Substitute" as used herein shall apply to any compound which may consist of two or more of the aforesaid ingredients, or of cottonseed oil alone. Neither shall the provisions of this Article apply to mixtures or compounds consisting of mixtures of beef suet, beef fat, or pure stearine, and cottonseed oil, or of cottonseed oil alone, when said mixtures or compounds used as ordinary articles of food or cooking "compound" are manufactured and sold under their proper trademark, and when the tierce, barrel, tub, pail or package containing the same shall be distinctly and legibly branded or labeled in letters proportioned to the size of the package with the name of the mixture or compound and the name and location of the persons, firm or corporation manufacturing the same. R. L. 1910, § 6927.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title.
Laws 1909, p. 282; C.S.1921, § 8845; St. 1931, § 4550.
Food 67.

§ 194 Label required on lard substitutes.—

Every manufacturer, trader, or dealer, who by himself or agent, or as the servant or agent of another person, offers or exposes for sale or sells, or exchanges any form of lard substitute or adulterated lard, as hereinbefore defined, shall securely fix or cause to be affixed to the package wherein the same is contained, offered for sale, or sold,

a label, upon the outside and face of which is distinctly and legibly printed in letters not less than one-half inch in length, the words "Lard Substitute" or "Adulterated Lard" or "Lard Compound" or other appropriate words which shall correctly express its nature and use. R. L. 1910, § 6928.

Laws 1909, p. 283; C.S.1921, § 8846; St.1931, § 4551.
Food 9.

§ 195. Non-compliance by possession of unbranded lard prima facie evidence of intent to sell.—

The possession of any lard, substitute or adulterated lard compound, as hereinbefore defined which is not branded or labeled as hereinbefore required or directed upon the part of any manufacturer, trader or dealer or any person engaged in the sale of such articles, shall for the purpose of this Article,¹ be deemed prima facie evidence of intent to sell or exchange the same. R. L. 1910, § 6929.

¹ R.L.1910, ch. 67, art. 8, incorporated in this title.
Laws 1909, p. 284; C.S.1921, § 8847; St.1831, § 4552.
Food 21.

§ 196. Use of certain chemicals prohibited.—

It shall be unlawful for any person to manufacture, sell or expose for sale or exchange any article of food to which has been added formaldehyde, borax, boracic acid, benzoic acid, sulphurous acid, salicylic acid, adrastal, betanaphtha, flourine compounds, saccharine: Provided, that in the case of molasses and syrups and bleached dried fruits, in the finished products, sulphurous acid, flourine compound and chlorine shall be entirely removed subject to the rules of the National Pure Food Commission: Provided, further, that the spreading of dry borax over the surface of meat cannot be construed to be a violation of this Article.¹ R. L. 1910, § 6930.

¹ R.L.1910, ch. 67, art. 8, incorporated in this title.
Laws 1909, p. 284; C.S. 1921, § 8848; St.1931, § 4553.
50 A.L.R. 76; Food 2.

§ 197. Imitation flavoring extracts.—It shall be unlawful for any person to manufacture, sell or offer to expose for sale or exchange, as flavoring extracts any so-called extracts which were not made from the natural fruit, unless the same are labeled "imitation": Provided, that the word "imitation" must immediately precede the name of the flavoring in the same type and style; and Provided, further, that such flavoring shall be free

from coloring matter deleterious to health. R. L. 1910, § 6931.

Laws 1909, p. 284; C.S.1921, § 8849; St.1931, § 4554.
Food 7.

§ 198. **Imitation honey.**—It shall be unlawful for any person to sell, offer, or expose for sale or exchange any honey which has not been home made by bees unless the same is labeled "imitation" and contains nothing that is injurious to health. R. L. 1910, § 6932.

Laws 1908, p. 284; C.S.1921, § 8850; St.1931, § 4555.
Food 7.

§ 199. **Imitation vanilla extract.**—It shall be unlawful for any person to manufacture, sell, offer or expose for sale or exchange extract of vanilla, essence of vanilla, not wholly made from the extracted matter of vanilla beans. R. L. 1910, § 6933.

Laws 1909, p. 284; C.S.1921, § 8851; St.1931, § 4556.
Food 7.

§ 200. **Adulterated spices and condiments.**—It shall be unlawful for any person to manufacture, sell, offer or expose for sale or exchange to the residents of this State any spices and condiments, either ground or unground, which are adulterated with any foreign substance or substances within the meaning of this article¹ which are injurious to health: Provided, that where foreign substances are used the package containing said articles offered for sale shall bear the word "Compound." The terms "spices" and "condiments" as used herein shall embrace all substances known and recognized in commerce as spices and used as condiments, whether the same be in natural state or in the form which would result from the grinding, milling, mixing or compounding of the natural product. R. L. 1910, § 6934.

¹ R.L.1910, ch. 67, art. 8, incorporated in this title.
Laws 1909, p. 284; C.S. 1921, § 8852; St.1931, § 4557.
Food 5.

§ 201. **Meats and fish, in transportation to be covered.**—Every dealer or peddler in slaughtered fresh meats, fish, fowl or game for human food, at wholesale or retail, in the transportation of such food from place to place to customers, shall protect the same from dust, flies and other vermin or substance which may injuriously affect it by securely covering it while being so transported. R. L. 1910, § 6935.

Laws 1909, p. 285; C.S.1921, § 8853; St. 1931, § 4558.
Food 2.

§ 202. Taking orders to be deemed a sale.—

The taking of orders or the making of agreements or contracts by any person, firm or corporation, or by an agent or representative thereof, for the future delivery of any articles, products, goods, wares, merchandise embraced within the provisions of this Article,¹ shall be deemed a sale within the meaning of this Article. R. L. 1910, § 6936.

¹ R.L.1910, ch. 67, art. 8, incorporated in this title.
Laws 1909, p. 285; C.S. 1921, § 8854; St.1931, § 4559.
Food ☞14.

§ 203. Removal or counterfeit of brand or label a misdemeanor.—

Whoever shall falsely brand, mark, stencil or label any article or product required by this Article,¹ to be branded, marked, stenciled or labeled, or shall remove, alter, deface, mutilate, obliterate, imitate or counterfeit any brand, mark, stencil or label so required shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than six months nor more than one year, or by both such fine and imprisonment for each and every offense. R. L. 1910, § 6937.

¹ R.L. 1910, ch. 67, art.8, incorporated in this title.
Laws 1909, p. 285; C.S. 1921, § 8855; St. 1931, § 4560.
Food ☞15.

§ 204. Sale of chemically preserved seafoods a

misdemeanor.—Any corporation, firm or person, either in person or by an agent, who shall sell, or expose for sale, within the State of Oklahoma, any oysters, clams or other sea food products to which salicylic acid, formaldehyde or any drug or other preservative has been added, or in preserving which any poisonous or deleterious substance has been used, shall be deemed guilty of a misdemeanor. R. L. 1910, § 6938.

Laws 1909, p. 285; C.S.1921, § 8856; St.1931, § 4561.

Food ☞15.

§ 205. Any violation a misdemeanor.—Whoever shall do any of the acts or things prohibited, or wilfully neglect or refuse to do any of the acts or things enjoined by this Article,¹ or in any way violate any of its provisions, shall be deemed guilty of a misdemeanor, and when no specific penalty is prescribed by this Article, shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprison-

ment in the county jail for a period of not less than ninety days, or by both such fine and imprisonment. R. L. 1910 § 6939.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title.
Laws 1909, p. 286; C.S. 1921, § 8857; St. 1931, § 4562.
28 A.L.R. 1385; Food Ⓒ12.

§ 206. Adulterated wheat flour to be labeled.—

Within this State no person shall manufacture, or offer or expose for sale, or keep in his possession with intent to sell or exchange, any flour made from wheat, containing any products of corn, rice or other foreign substance unless each and every package thereof be distinctly and legably branded or labeled "flour compound" in letters not less than one-half inch in length, to be followed with the name of the maker and mill, and the location of such flouring mill. R. L. 1910, § 6940.

Laws 1909, p. 286; C.S. 1921, § 8858; St. 1931, § 4563.
Food Ⓒ5.

§ 207. Possession of unbranded flour compound prima facie evidence of intent to sell.—The possession of any "flour compound" or "meal compound" which is not branded as hereinbefore required and directed upon the part of any person engaged in the public or private sale of such article shall, for the purpose of this Article,¹ be deemed prima facie evidence of intent to sell the same. R. L. 1910, § 6941.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title.
Laws 1909, p. 286; C.S. 1921, § 8859; St. 1931, § 4564.
Food Ⓒ21.

§ 208. Taking of orders for adulterated flour to be deemed a sale.—The taking of orders or the making of agreements or contracts by any person, firm or corporation or by an agent or representative thereof for the future delivery of any "flour compound" or "meal compound" shall be deemed a sale within the meaning of this article.¹ R. L. 1910, § 6942.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title.
Laws 1909, p. 286; C.S. 1921, p. 8860; St. 1931, § 4565.
Food Ⓒ14.

§ 209. Sale of colored distilled vinegar unlawful.—It shall be unlawful for any person, firm or corporation to sell or offer for sale in this State any colored distilled vinegar. R. L. 1910, § 6943.

Laws 1909, p. 286; C.S. 1921, § 8861; St. 1931, § 4566.
Food Ⓒ2.

§ 210. Bread.—It shall be unlawful for any person in this State to sell or offer to sell any loaf

of bread manufactured outside of the State of Oklahoma without having pasted on each loaf of such bread a label having written or printed thereon the date and hour of the day the same was baked, and it shall be unlawful to sell any bread over seventy-two hours after the same was baked, without informing each person purchasing or offering to purchase the same, that it is "stale bread." R. L. 1910, § 6944.

Laws 1909, p. 286; C.S.1921, § 8862; St.1931, § 4567.
Food Ⓒ2.

§ 211. Adulterated candies—Punishment for sale.

—Any person manufacturing for sale or selling or offering to sell or exchange any candies or confections, adulterated by mixture of terra alba, barytes, talc. or other earthly mineral substances, or any poisonous colors, flavors or extracts, or other deleterious ingredients detrimental to health, shall upon conviction thereof before a court of competent jurisdiction, be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, or by both such fine and imprisonment. R. L. 1910, § 6945.

Laws 1909, p. 287; C.S.1921, § 8863; St.1931, § 4568.
Food Ⓒ13, 14.


§ 212. Possession of adulterated or misbranded articles—Searches and seizures.—If any person shall have in his possession or control any article of adulterated or misbranded or mislabeled food, drugs or medicines, contrary to the provisions of this Article,¹ he shall be held to have possession of property with intent to use it as a means of committing a public offense, and all the provisions of the chapter in the statutes of the State of Oklahoma relating to search warrants and proceedings thereon shall apply. R. L. 1910, § 6946.

¹ R.L.1910, ch. 67, art. 8, incorporated in this title.
Laws 1909, p. 287; C.S.1921, § 8864; St.1931, § 4569.
Druggists Ⓒ2; Food Ⓒ24.



ENFORCEMENT AND DEFENSES

§ 251. Commissioner of Health to enforce laws—Rules and regulations—Annual Report.—It shall be the duty of the State Commissioner of Health to carry into effect the provisions of this article¹ and all other laws relating to foods, drugs and medicines; and said commissioner is hereby authorized and empowered to promulgate and enforce such

rules and regulations not inconsistent with the provisions of this article, as he may deem proper and necessary, and to amend, alter and abolish the same from time to time. The said commissioner shall make an annual report to the Governor on or before the first day of November of each year, giving in a concise manner in said report, a full statement of his work relative to the enforcement of this article, and accounting for all receipts and disbursements therein. Said commissioner shall be authorized and empowered to print such rules, regulations and announcements from time to time, as he may deem necessary. The annual report of said commissioner relative to food, drugs and medicine shall be printed, published and distributed in the same manner as reports of the State Commissioner. R. L. 1910, § 6947; Laws 1915, ch. 155, § 3.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title.
Laws 1909, p. 287; C.S.1921, § 8865; St.1931, § 4570.
Health 7 (3).

§ 252. Laboratory for analysis of food, drugs and medicines—Certification of facts to County Attorney.
—For the purpose of this article¹ there is hereby established a state laboratory for the analysis of food, drugs and medicine, which shall be under the supervision of the State Commissioner of Health. Said laboratory shall be established and located at the office of the State Commissioner of Health, who shall have power to employ such additional chemists and assistants as are necessary to properly and expediently examine and analyze such articles of food, drugs and medicines as are sent to the said laboratory for the purpose of determining whether such articles are adulterated, mislabeled, or misbranded within the meaning of this article; and if it shall appear that any such specimens are adulterated, mislabeled or misbranded within the meaning of this article, the State Commissioner of Health shall certify the facts to the county attorney in the county in which such sample was taken, with a copy of the results of the analysis, duly authenticated by the analyzer. R. L. 1910, § 6948; Laws 1915, ch. 155, § 4.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title.
Laws 1909, p. 288; C.S.1921, § 8866; St.1931, § 4571.
Druggist 2; Food 3.

§ 253. Traveling and other expenses—Compensation of inspectors and assistants.—The state commissioner of health shall be allowed and shall be paid his traveling and other expenses necessarily incurred in the performance of his duties under the provisions of this Article,¹ to be paid monthly upon voucher approved by the Governor. The food and drug inspectors shall be paid a salary not to exceed twelve hundred dollars per annum together with their traveling expenses necessarily incurred in the performance of their duties to be paid monthly upon voucher approved by the State Commissioner of Health. Other clerical and professional assistants employed from time to time under the provisions of this Article, shall receive such compensation as shall be fixed by the State Commissioner of Health, and shall be paid monthly or otherwise upon vouchers approved by said Commissioner. R. L. 1910, § 6949.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title.
Laws 1909, p. 288; C.S.1921, § 8867; St.1931, § 4572.
Health Ⓒ7 (2).

§ 254. Inspectors to secure analysis—Prosecutions—It shall be the duty of the pure food and drug inspectors to make or cause to be made by the director of the State labatory,¹ examinations and analyses of foods or drugs on sale in the State, suspected of being adulterated, mislabeled, misbranded, impure or unwholesome, in contravention of the law. And if upon examination or analysis, it is found that said food or drug is adulterated, mislabeled, misbranded, impure or unwholesome, it shall be the duty of the pure food inspector to make complaint against the manufacturer or vendor thereof in the proper county, and to furnish the evidence thereon, and to obtain a conviction of the offense charged. R. L. 1910, § 6950.

¹ Probably should read "laboratory."
Laws 1907-08, p. 423; C.S.1921, § 8868; St.1931, § 4573.
Druggist Ⓒ2; Food Ⓒ3.

§ 255. Duties of Sheriff—Samples.—The sheriffs of the respective counties are hereby appointed and constituted agents for the enforcement of this article,¹ and the pure food inspector or any sheriff shall have free access at all reasonable hours for the purpose of examining any place where it is suspected that any article of adulterated, mislabeled, misbranded, impure or unwholesome, med-

icine or drug exists, and such food inspector or sheriff, upon tendering the market price of such article, if a sale be refused, may take from any person, firm or corporation, samples of any articles suspected of being adulterated, mislabeled, misbranded, impure or unwholesome, for the purpose of examination or analysis, and divide the said article into three parts, and each part shall be sealed by the pure food inspector or sheriff seizing the said article, with a seal provided for that purpose. If the package be less than four pounds or in volume less than two quarts, three packages of approximately the same size shall be purchased, and the marks and tags upon each package noted as above. One shall be delivered to the party from whom purchased, or the party guaranteeing such merchandise, one sample shall be sent or delivered to the director of the State Laboratory for examination and analysis, and the third shall be held by the sheriff of the county in which said article was seized, under his seal, for future reference should the case come to trial. R. L. 1910, § 6951.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title.
Laws 1907-08, p. 424; C.S. 1921, § 8869; St.1931, § 4574.
Sheriffs and Constables 86.

§ 256. Sheriff's fees and expenses.—For his services hereunder the sheriff shall be allowed the same fees for travel as allowed by law to sheriffs on service of criminal process, together with such compensation as by the board of county commissioners of his county may be deemed reasonable, and amounts expended by him in procuring and transmitting the samples of suspected matter, which fees and expenses shall be audited and allowed by said board of county commissioners and paid by said county as other bills of said sheriff are paid. R. L. 1910, § 6952.

Laws 1909, p. 289; C.S. 1921, § 8870; St.1931, § 4575.
Sheriffs and Constables 28.

§ 257. Duty of health and prosecuting officers.—It shall be the duty of all prosecuting officers of the state to prosecute to completion all suits brought under the provisions of this Article,¹ upon complaint of the State Commissioner of Health, or any food or drug inspector, or any other citizen of the State of Oklahoma. It shall be the duty of all city and county health officers to take cog-

nizance of and report all prosecutions or violations of this Article which may be brought to their notice or of which they have cognizance within their jurisdiction, R. L. 1910, § 6953.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title.
Laws 1909, p. 289; C.S. 1921, § 8871; St.1931, § 4576.
District and Prosecuting Attorneys ☞8; Health ☞38.

§ 258. Disposition of fines.—One-half of all fines collected by any court or judge for the violation of the provisions of this Article,¹ shall be paid to the State Treasurer; one half shall be paid into the treasury of the county where such cases are prosecuted, and covered into the fine and forfeiture fund of such county. R. L. 1910, § 6954.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title.
Laws 1909, p. 289; C.S. 1921, § 8872; St.1931, § 4577.
Druggists ☞12; Food ☞28.

§ 259. Refusal to sell to officer—Withholding or concealing—Punishment.—It shall be a misdemeanor for any person, firm or corporation to refuse to sell to a food or drug inspector, or sheriff or any health officer, any sample of food or drug suspected of being adulterated, misbranded, mislabeled, impure, or unwholesome, upon the tender of the market price thereof, or to conceal such food, liquor, drug, or medicine from such officer or to withhold from him information as to where such food or drug is kept or stored. Any such person so refusing to sell or concealing such food, medicine or drug, or withholding such information from said officer upon conviction shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment in the county jail for not less than thirty days, nor more than ninety days. R. L. 1910, § 6955.

Laws 1909, p. 289; C.S. 1921, § 8873; St.1931, § 4578.
Druggists ☞12; Food ☞12.

§ 260. Guaranty by wholesaler—Personal or under national law.—No dealer shall be prosecuted under the provisions of this Article,¹ when he can establish a guaranty signed by the wholesale jobber, manufacturer, or other party residing in the United States from whom he purchased such article, to the effect that the same is not adulterated, mislabeled or misbranded, within the meaning of this Article. Said guaranty, to afford protection, must contain the name and address of the party or parties making the sale of such articles to said dealer,

and an itemized statement showing the article purchased, or a general guaranty may be filed with the Secretary of the United States Department of Agriculture by the manufacturer, wholesale jobber or other party in the United States and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty, with the words "Guaranteed Under the Food and Drug Act, June thirtieth, nineteen six." In case the wholesale jobber, manufacturer or other party making such guaranty to such dealer resides without this State and it appears from the certificate of the director of the State laboratory that such article or articles were adulterated, mislabeled or misbranded within the meaning of this Article, or the National Pure Food Act, approved June thirtieth, nineteen hundred six,¹ the Attorney-General of this State must forthwith notify the Attorney-General of the United States of such violation. R. L. 1910, § 6956.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title.

² 21 U.S.C.A. § 1 et seq.

Laws 1909, p. 290; C.S. 1921, § 8874; St.1931, § 4579.

90 A.L.R. 1269; 105 A.L.R. 1502; Druggists ☞12; Food ☞14

§ 261.—Possession of articles prior to act of 1907 a defense.—In any prosecution for any violation of this Article,¹ relative to the manufacture, possession or sale of any alleged food, product or drug, it shall be a valid defense for the defendant to prove that the articles described in the complaint were in his possession as a part of his stock in trade in this State prior to the time of the passage and approval of the Act creating a Food, Drug and Dairy Commission for the State of Oklahoma, approved May 21, 1908.² R. L. 1910, § 6957.

¹ R.L. 1910, ch. 67, art. 8, incorporated in this title.

² Laws 1907-08, ch. 37, p. 403.

Laws 1909, p. 290; C.S. 1921, § 8875; St.1931, § 4580. Druggist ☞12; Food ☞18.

BOTTLING WORKS

§ 271. Buildings—How constructed—License and license fee.—All persons, firms or corporations manufacturing or bottling any soft drinks in this State shall be maintained in a building constructed of suitable material. The building shall be well screened, whitewashed or painted on the inside, and shall be free from dust, cobwebs, and no rubbish of any character or kind whatsoever, shall

be permitted to accumulate in or around said building. The floor of said building shall be so constructed so that no crevices nor opening¹ through which moisture can enter. That all persons now engaged in the manufacturing and bottling of soft drinks or that may hereafter be engaged in the manufacture of soft drinks in the State of Oklahoma, shall secure a license from the State Board of Health before engaging in said bottling business and shall pay thereafter a fee or license of \$5.00, and said license be issued, to be cancelled by said board for violation of any of the provisions of this act.² Laws 1917, ch. 167, p. 274, § 1.

¹ Word "exist" probably should be inserted.


² Sections 271-278 of this title.

C.S. 1921, § 8878; St.1931, § 4584.

42 A.L.R. 556; 101 A.L.R. 64; Food  2, 3.


§ 272. Rooms—How arranged. The syrup room, where such drinks are compounded must be well screened, so as to prevent flies and other vermin from entering same, which room shall be on the main floor or on the manufacturing floor or raised above it when possible, and when on the main floor, the floor of said syrup room shall be of cement and well drained. That no toilet shall be allowed in the bottling room unless thoroughly enclosed and ventilated and same must be of an approved sanitary construction according to the rules and regulations of the State Board of Health. Laws 1917, ch. 167, p. 274, § 2.

C.S.1921, § 8879; St.1931, § 4585.

Food .

§ 273. Apparatus and vessels—Syrup, how kept.— All apparatus and vessels used in the manufacture of said drinks shall be maintained in a sweet and wholesome condition by washing not less than once every day except in case of storage tanks. The syrup shall be cut off from the bottle filling machine at the close of each days work, and the syrup thoroughly washed from the inside of the machine at the close of each days work, and no vessels shall be used in the handling or mixing of syrup except glass, stoneware, or vessels that are porcelain lined, block, tin lined or made of some other suitable impervious material. Laws 1917, ch. 167, p. 274, § 3.

C.S. 1921, § 8880; St.1931, § 4586.

Food .

§ 274. Water—Purity.—Only pure water shall be used in the manufacture of said beverages, and such water must be acceptable to and approved by the State Board of Health, and it shall be compulsory upon the part of any person, firm or corporation manufacturing said drinks to submit a sample of the water used therein to the State Board of Health for its approval during the months of May and August of each year, and at such other times as the State Board of Health may call upon such bottler to submit a sample of said water for examination and analysis, which examination and analysis shall be without cost to the bottlers of the State. Laws 1917, ch. 167, p. 275, § 4.

C.S. 1921, § 8881; St. 1931, § 4587.

Food ↻2.

§ 275. Bottles cleansed—Employees.—All bottles used by manufacturers of said drinks before the drinks are placed in said bottles shall be immersed in a hot chemical solution and remain therein from ten to twenty minutes, and when taken from this solution, the bottles shall have two complete rinsings in clear water before they are used for said beverage. All employees who are in any way connected with the compounding of drinks or bottling of same must be dressed in clean clothes and entirely free from any contagious or loathsome disease. Laws 1917, ch. 167, p. 275, § 5.

C.S. 1921, § 8882; St. 1931, § 4588.

Food ↻2.

§ 276. Drainage of empty bottles—Penalty.—All persons, firms or corporations or their agents or employees in this State are hereby required after all bottles containing soft drinks have been emptied, shall be inverted in the case or container, so that the same may be thoroughly drained. That all persons violating the provisions of this section shall be guilty of a misdemeanor upon conviction shall be fined not less than \$5.00 and not to exceed \$50.00. Laws 1917, ch. 167, p. 275, § 6.

C.S. 1921, § 8883; St. 1931, § 4589.

Food ↻2, 12.

§ 277. Stables and rubbish—What distance from plant.—No stable in which horses or other animals are kept shall be permitted within a distance of twenty-five feet from the bottling plant, and no rubbish, trash or filth of any kind or character

shall be permitted to accumulate around said bottling plant within a distance of twenty-five feet of same. Laws 1917, ch. 167, p. 275, § 7.

C.S. 1921, § 8884; St. 1931, § 4590.

Food ☞2.

§ 278. Violation—Misdemeanor.—All persons violating any of the provisions of this act,¹ not otherwise provided for, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 and not more than \$100.00, for each and every offense, or by confinement in the county jail for a period not to exceed sixty days and if any such person shall be guilty of a second offense, his fine shall be doubled that of the first offense. Laws 1917, ch. 167, p. 267, § 8.

¹ Sections 271-278 of this title.

C.S. 1921, § 8885; St. 1931, § 4591.

Food ☞12.

CREAMERY CONTAINERS AND UTENSILS

§ 291. Users to cleanse containers.—It shall be the duty of every person, firm or corporation within this state, upon receiving from any creamery or dairy company, either by wholesale or retail, any creamery can, bucket, bottle, or any utensil used for conveyance of ice creams, sherbets, or frozen dainties, sweet milk, buttermilk, sweet cream and all products thereof, as soon as said creamery cans, buckets, bottles or utensils are empty, to thoroughly cleanse same with hot water at a temperature of not less than 180 degrees Fahrenheit. Such bottles shall be thoroughly drained, and such cans, containers and buckets shall be washed and thoroughly dried immediately upon emptying same. Laws 1915, ch. 257, § 1.

C.S. 1921, § 8735; St. 1931, § 4621.

Food ☞2.

§ 292. Penalty.—Any person, firm or corporation receiving such articles and upon failure to comply with all provisions of this act¹ shall be deemed guilty of a misdemeanor, and upon conviction, be fined not less than twenty-five (\$25.00) dollars nor more than fifty (\$50.00) dollars for each and every offense. Laws 1915, ch. 257, § 2.

¹ Sections 291-293 of this title.

C.S. 1921, § 8736; St. 1931, § 4622.

58 A.L.R. 672; 80 A.L.R. 1225; Food ☞12, 23.

§ 293. How enforced.—It shall be the duty of the County Commissioner of Health and the County

Dairy Commissioner and all other peace officers to enforce this act.¹ Laws 1915, ch. 257, § 3.

¹ Sections 291-293 of this title.

C.S. 1921, § 3737; St.1931, § 4623.

Health ☞7 (3).

REGISTRATION OF MANUFACTURERS

§ § 301-311. Repealed. Laws 1943, p. 149. § 1.

§ § 312, 313. Repealed. Laws 1941, p. 467, § 18.

Sections, Laws 1937, pp. 89, 90, § § 1, 2, were inoperative, in view of rejection by the people at referendum election, State Question No. 236, Referendum Petition No. 73.

§ 321. Registration and fee.—All manufacturers of foods and drugs doing business in the State of Oklahoma, or all such persons as shall bring into and offer for sale within the state any article of food or drug, shall annually register their firm or corporate names and addresses with the State Commissioner of Health, and shall pay to the Commissioner a fee of \$1.00 for such registration on or before the first day of July of each year. Such fees shall be turned over by the Commissioner of Health to the State Treasurer. Provided, that all manufacturers of food and drugs, resident in the state, and who have paid the merchant's license of one dollar per year, shall not be required under this act to pay the registration fee. Laws 1915, ch. 157, § 1.

C.S. 1921, § 8876; St.1931, § 4582.

Druggists ☞3; Food ☞3.

§ 322. Penalty for violation.—Whoever shall do any of the acts or things prohibited, or wilfully neglects or refuses to do any of the acts or things enjoined by this act,¹ or in any way violates any of its provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$25.00 nor more than \$200.00. Laws 1915, ch. 157, § 2.

¹ Sections 321, 322 of this title.

C.S. 1921, § 8877; St. 1931, § 4583.

Druggists ☞12; Food ☞12.

FROZEN FOOD LOCKER PLANTS (NEW)

§ 324.1 Definitions.—For the purpose of this Act:¹ "Food" shall include any article used by man for food, drink, confection, ice, or condiment, or which enters into the composition of the same whether simple, blended, mixed or compounded.

"Frozen Food Locker Plant" shall mean a location or establishment in which space in individual lockers is rented to persons for storage of frozen food and is equipped with a chill room, sharp freezing facilities and facilities for cutting, preparing, wrapping and packaging meats and meat products, fruits and vegetables.

"Branch Frozen Food Locker Plant" shall mean a location or establishment in which space in individual lockers is rented to persons for storage of frozen food after preparation for storage at a frozen food locker plant.

"Sharp Frozen" shall mean the freezing of food in a room in which the temperature is zero degrees Fahrenheit or below.

"Board" shall mean the State Board of Health. Laws 1945, p. 238 § 1.

¹ Sections 324.1-324.17 of this title.
Effective July 1, 1945.

TITLE OF ACT:

An Act relating to Frozen Food Locker Plants; defining, licensing, prescribing construction, finish and equipment; providing for inspection, storage of food, sanitary regulations and revocation of license; prescribing temperatures required and authorizing the State Board of Health to make sanitary rules, providing a lien upon food stored in said locker plants, providing a penalty for violations of the Act; and declaring an emergency. Laws 1945, p. 238.

§324.2 License.—No person, firm or corporation shall engage or continue in the operation of a frozen food locker plant or a branch frozen food locker plant until a license has been obtained from the State Commissioner of Health for each such location or establishment. Application for such license or licenses shall be made upon forms furnished by the State Commissioner of Health and shall contain the items required by it as to ownership, management, location, equipment, and other data concerning the business for which each license is desired. Laws 1945, p. 238, § 2.

§324.3 License fee.—The annual license fee for each such Frozen Food Locker Plant shall be Fifteen (\$15.00) Dollars and an additional fee of

Two Dollars and Fifty Cents (\$2.50) for each branch plant. Each such license shall expire on June 30, of each year following the date of issue and no license shall be transferable. All such licenses shall be issued for the fiscal year. Laws 1945, p. 238, § 3.

§ 324.4 Examination of plant.—Upon receipt of an application for a license for a new Frozen Food Locker Plant or branch plant or such a plant now operating, the State Commissioner of Health shall require that, within thirty (30) days, an inspection be made of the locker plant or branch locker plant, its equipment, facilities, surrounding premises, slaughtering facilities, etc., and if its operation, construction and equipment comply with the provisions of law and the authorized rules and regulations of the Board applicable to such plants, the State Commissioner of Health shall issue such license. Laws 1945, p. 238, § 4.

§ 324.5 Inspection and revocation of license.—Every frozen food locker plant or branch locker plant shall be subject to inspection at any reasonable hour by the State Commissioner of Health or his authorized representatives and said locker plants shall be maintained in a sanitary condition and conducted with strict regard to the influence of such conditions upon the food handled therein, and any licensee under this Act¹ who fails to comply with any provision of this Act shall suffer a revocation of his license. Provided that no license issued hereunder may be revoked until the licensee is given twenty (20) days' notice personally or by registered mail and an opportunity given for a hearing at a time to be set by the State Commissioner of Health. This license shall be conspicuously displayed by the licensee in each locker plant, or branch locker plant. Laws 1945, p. 238, § 5.

¹ Sections 324.1-324.17 of this title.

§ 324.6 Storing of impure food.—No article of food shall be stored in any frozen food locker plant unless it is in a proper condition for storage and meets all the requirements of the Pure Food and Food Sanitation Laws and such rules as may be established by the Board for the sanitary preparation of food products which are to be stored. Laws 1945, p. 239, § 6.

§ 324.7 Goods not intended for human consumption—Goods not intended for human consumption shall not be stored in a frozen food locker plant except such items of animal or vegetable matter which may have been approved by the State Commissioner of Health. Laws 1945, p. 239, § 7.

§ 324.8 Construction of plant—Equipment.—The floors, walls, and ceilings of Locker Plants and Branch Locker Plants including all food processing rooms, slaughtering facilities, etc., shall be of such construction and finish that they can be conveniently maintained in a clean and sanitary condition. Walls and ceiling shall be well painted or finished in some other approved manner and shall be refinished as often as necessary. Washing facilities including hot and cold water shall be provided for proper cleansing of utensils and equipment. The lockers in any plant shall be so constructed as to protect the contents from contamination, deterioration or injury. Lockers with perforated bottoms shall be provided with a suitable unperforated liner or tray.

Any plant using a toxic gas refrigerant shall have at least one gas mask of a type approved by the State Commissioner of Health and shall keep the same where it will be readily accessible.

The plans for all future Frozen Food Locker or Branch Locker plants hereafter constructed shall be submitted to the Division of Sanitary Engineering of the State Board of Health, and approval secured prior to the construction of such plants. Laws 1945, p. 239, § 8.

§ 324.9 Sanitation and cleanliness.—All rooms of a locker plant or branch locker plant shall at all times be maintained in a clean and sanitary condition. All equipment and utensils shall be clean when put into use and shall be thoroughly cleansed after each day's use and shall be stored or protected as not to become contaminated. Lockers shall be thoroughly cleansed before they are leased or put into the possession of any patron.

The premises and surroundings of locker plants and branch locker plants shall be maintained in clean and sanitary condition. The food stored shall

be protected from filth, flies, dust, dirt, insects, vermin and any other contamination and from any unclean or filthy practice in the handling thereof or caring therefor. No food shall be stored in such condition or in such manner as to cause injury to or deterioration of articles of food in adjacent lockers. Tobacco shall not be used in any room where food is processed or stored. Waste or offal incident to the slaughtering, cleaning, storing, or preparation of any food for storage shall be promptly removed from the premises and disposed of in a sanitary manner.

No room or rooms used for the preparation, storage, display or sale of food or for the processing of food shall be used as a living room or sleeping room nor shall dogs, cats or other domestic animals be permitted in any such room. Laws 1945, p. 239, § 9.

§ 324.10 Water supply—Toilet facilities.—Locker Plants shall have an ample water supply approved by the State Commissioner of Health. Locker Plants or Branch Locker Plants shall be provided with adequate toilets so located as to be readily accessible to employees and equipped with adequate hand washing fixtures or facilities, supplied with hot and cold water under pressure, soap and approved towel service. The doors of all toilet rooms shall be full length and self-closing and no toilet room shall open directly into any room in which foods are prepared, processed, chilled, frozen or stored. Toilet facilities and rooms shall be kept in a clean and sanitary condition. Laws 1945, p. 240, § 10.

§ 324.11 Temperatures required.—The refrigeration system for a Locker Plant or Branch Locker Plant shall be equipped with accurate and reliable controls for the automatic maintenance of uniform temperatures as required in the various refrigerated rooms and shall be of adequate capacity to provide under extreme conditions of outside temperatures and under peak load conditions in the normal operations of the plant, the following temperatures in the several rooms, respectively:

(a) Chill Room. Temperature of Thirty-four (34) degrees above Zero (0) Fahrenheit plus or minus (2°) degrees with a tolerance of five (5°) degrees Fahrenheit for a reasonable time after fresh food is put in for chilling.

(b) Sharp Freeze Room. Sharp Freezing compartments. Temperature of Ten (10°) degrees below Zero (0) Fahrenheit or lower or temperature of Zero (0) degrees Fahrenheit or lower when forced air circulation is employed with a tolerance of Five (5°) degrees Fahrenheit for either type of installation for a reasonable time after fresh food is put in for freezing.

(c) Locker Room. Temperature of not to exceed Zero (0) degrees Fahrenheit with a tolerance of Three (3°) degrees Fahrenheit higher.

The foregoing temperatures shall not be construed as prohibiting such variations therefrom as may occur during short periods of time incidental to defrosting. For experimental purposes, the State Commissioner of Health, upon application in writing, may authorize for a limited and prescribed period, the installation and use of refrigeration systems or methods which in the opinion of the State Commissioner of Health will result in improvement over present methods.

An accurate direct reading thermometer shall be provided in the chill room and in the sharp freeze room or compartment. An accurate self-registering or self-recording thermometer of a type approved by the State Commissioner of Health shall be provided in the locker room. The discs or other temperature records of such thermometer shall be kept at the plant and shall be preserved for at least one (1) year from the date of the recording. The thermometer in the locker room shall be placed in a position where it is readily observable by patrons. Laws 1945, p. 240, § 11.

§ 324.12 Inspection, wrapping, identification of stored food.—No food shall be placed in a locker for storage unless it has been sharp frozen at the plant. No foods shall be placed in a locker unless such foods have been inspected by the operator. No unwrapped meat or unwrapped or unpacked

fruits or vegetables shall be placed in any locker. Only paper suitable for the wrapping of meats that are to be frozen and stored, shall be used. Each wrapped portion shall be marked or stamped with the correct locker number and the date of wrapping. Laws 1945, p. 240, § 12.

§ 324.13 **Warehousemen.**—Persons who own or operate Frozen Food Locker Plants or Branch Locker Plants shall not be construed to be warehousemen, nor shall receipts or other instruments issued by such persons in the ordinary conduct of their business be construed to be negotiable warehouse receipts. Laws 1945, p. 241, § 13.

§ 324.14 **Storage lien.**—Every lessor owning or operating a frozen food locker plant or branch plant shall have a lien upon all property of every kind in its possession for all reasonable charges and rents thereon and for the handling, keeping and caring for the same. Laws 1945, p. 241, § 14.

§ 324.15 **State board of health.**—For the purpose of carrying into effect the provisions of this Act,¹ the State Board of Health shall promulgate reasonable rules and regulations relating to sanitation, conforming to the purpose and content of this Act. Laws 1945, p. 241, § 15.

¹ Sections 324.1-324.17 of this title.

§ 324.16 **Penalty.**—Any person who shall violate any provision of this Act¹ or any lawful rule and regulation of the Board shall be fined not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars or be imprisoned in the County jail not exceeding thirty (30) days. Laws 1945, p. 241, § 16.

¹ Sections 324.1-324.16 of this title.

§ 324.17 **Constitutionality of act.**—If any section, subdivision, sentence or clause in this Act¹ shall for any reason be held void or unconstitutional, such division shall not affect the validity of any other portion of this Act. Laws 1945, p. 241, § 17.

¹ Sections 324.1-324.17 of this title.

Chapter 7A—Hospitals and Related Institutions (New)

Sec.

- 326.1 License—application of law—practice of medicine or healing arts not authorized.
- 326.2 Existing institutions—evidence required.

- 326.3 Application for license.
- 326.4 Fees—duration of license—non-transferable posting—renewal.
- 326.5 Inspection—application of laws relating to hotels, etc.
- 326.6 Issuance, suspension and revocation of licenses.
- 326.7 Rules and regulations.
- 326.8 Advisory Council.
- 326.9 Institutions within Act—placement and adoption of children.
- 326.10 Information to be confidential.
- 326.11 Review of decisions of commissioner.
- 326.12 Partial invalidity.
- 326.13 Violations of law.
- 327.1 Survey and inventory of hospitals and health centers.
- 327.2 State Advisory Council—development of construction programs.
- 327.3 Standards of United States Surgeon General to be followed—reports.
- 327.4 Grants or advances by United States or agency or officer.
- 328.1 Sale only on written prescriptions.
- 328.2 Punishment for violations.
- 329.1 State plan for construction—duty and authority of State Commissioner of Health.
- 329.2 Contents and provisions of state plan.
- 329.3 Reports—modifications—grants from United States—Rules and Regulations.
- 329.4 Approval of applications—receipt, payment and use of moneys—authority to apply for participation—consultation with Advisory Council.
- 329.5 Bonds of counties, cities and towns.
- 329.6 Definitions.
- 329.7 Selection of Practitioners.
- 329.8 Severability—partial invalidity.

§ 326.1 License—Application of law—Practice of medicine or healing arts not authorized.—After July 1, 1946, no person, partnership, association, corporation, or any State, county or local government unit or any division, department, board or agency thereof shall establish, conduct or maintain in the State of Oklahoma any hospital, sanatorium, rest home, nursing home, or other institution for the hospitalization and/or care of the sick or injured or care of any human beings requiring or receiving chronic or convalescent care without first obtaining a license therefor in the manner hereinafter provided. Hospitals operated by the Federal Government and all state mental hospitals shall be exempt from the provisions of this Act.¹

Hospital, sanatorium, rest home, nursing home, and other related institutions, within the meaning of this Act, shall mean any institution, place, building or agency in which any accommodation is maintained, furnished or offered for the hospitalization of the sick or injured or care of any persons requiring or receiving chronic or convalescent care. Provided, however, nothing in this Act shall apply to hotels or other similar places that furnish only board and room, or either, to their guests.

Nothing in this Act shall authorize any person, partnership, association, corporation, or any State, county, or local governmental unit or any division, department, board or agency thereof to engage, in any manner, in the practice of the healing arts, or the practice of medicine, as defined by law. Laws 1945, p. 227, § 1.

¹ Sections 326.1-326.13 of this title.

Effective on approval April 24, 1945.

Section 14 of the Act of 1945 read as follows:

"74 O. S. 1941 § 176, except insofar as the same applies to retreats, rescue homes, orphanages, and foundling institutions, is hereby repealed; and all Acts or parts of Acts which are inconsistent with the provisions of this Act or in conflict therewith are hereby modified or repealed as may be necessary to make this Act effective."

Title of Act:

An Act defining and regulating hospitals, sanatoriums, rest homes, nursing homes, and related institutions; providing for the granting, suspending and revoking of licenses therefor; prescribing duties of State Health Commissioner, creating a State Advisory Council, providing other details, providing penalties for violation of Act; repealing 74 O. S. 1941, § 176, modifying or repealing Acts in conflict herewith; and declaring an emergency. Laws 1945, p. 227.

§ 326.2 Existing institutions—Evidence required.

—No person, partnership, association, corporation, or any state, county, or local governmental unit or any division, department, board or agency thereof may continue to operate an existing hospital, sanatorium, rest home, nursing home, or related institution or open a hospital, sanatorium, rest home, nursing home, or related institution after July 1, 1946, unless such operation shall have been ap-

proved and regularly licensed by the State of Oklahoma as hereinafter provided.

Before a license shall be issued under this Act,¹ the person applying, if an individual, shall submit evidence satisfactory to the State Commissioner of Health that he is not less than Twenty-one (21) years of age, of reputable and responsible character, and in sound physical and mental health. In the event the applicant is an association, corporation or governmental unit, like evidence shall be submitted as to the members thereof and the persons in charge. Every applicant shall, in addition, submit satisfactory evidence of his ability to comply with the minimum standards and with all rules and regulations lawfully promulgated hereunder. Laws 1945, p. 227, § 2.

¹ Sections 326.1-326.13 of this title.

§ 326.3 Application for license.—Any person, partnership, association or corporation, or any State, county or local governmental unit or any division, department, board or agency thereof desiring a license hereunder shall file with the State Commissioner of Health a verified application containing the name of the applicant desiring said license; and if the applicant is an individual whether such person so applying is Twenty-one (21) years of age; the type of institution to be operated; the location thereof; the name of the person in charge thereof; and such other information as the State Commissioner of Health may require. An application on behalf of a corporation, Association or governmental unit shall be made by any two (2) officers thereof or by its managing agents and shall furnish like information. The application shall be on a form prescribed, prepared and furnished by the State Commissioner of Health. Laws 1945, p. 227, § 3.

§ 326.4 Fees—Duration of license—Non transferable—Posting—Renewal.—The application by any person, partnership, association, corporation or governmental unit for a license to operate a hospital, sanatorium, rest home, nursing home, or related institution within the meaning of this Act¹ shall be accompanied by a fee to be determined by the number of beds available for patients, according

to the following schedule of fees; those with less than Fifty (50) such beds shall pay a fee of Ten Dollars (\$10.00); those with Fifty (50) beds or more and less than One Hundred (100) beds shall pay a fee of Fifteen Dollars (\$15.00); those with One Hundred (100) beds or more and less than Two Hundred (200) beds shall pay a fee of Twenty Dollars (\$20.00); those with Two Hundred (200) beds or more shall pay a fee of Twenty-five Dollars (\$25.00). No such fee shall be refunded. All licenses issued by the State Commissioner of Health under this Act shall expire the 31st day of December each year after this Act takes effect, shall be on a form prescribed by said Department, shall not be transferable or assignable, shall be issued only for the premises named in the application, shall be posted in a conspicuous place on the licensed premises and may be renewed from year to year upon application, investigation and payment of license fee, as in the case of procurement of an original license. All fees received by the State Commissioner of Health under the provisions of this Act shall be paid into the State Treasury to the credit of the State Commissioner of Health for the purpose of carrying out the provisions of this Act. Said moneys shall be disbursed by warrants issued by the State Auditor on claims approved by the State Commissioner of Health. Laws 1945, p. 228, § 4.

¹ Sections 326.1-326.13 of this title.

§ 326.5 Inspection—Application of laws relating to hotels, etc.—Every building, institution or establishment for which a license has been issued shall be periodically inspected by a duly appointed representative of the State Commissioner of Health under rules and regulations to be promulgated by said State Commissioner of Health, with the advice and counsel of the Advisory Board, hereinafter provided for. Inspection reports shall be prepared on forms prescribed by the State Commissioner of Health with the advice and counsel of said Advisory Board. Institutions licensed pursuant to the provisions of this Act¹ shall in no way be exempt from being inspected or licensed under the laws of this State relative to hotels, restaur-

ants, lodging houses, boarding houses and places of refreshment. Laws 1945, p. 228, § 5.

¹ Sections 326.1-326.13 of this title.

§ 326.6 Issuance, suspension and revocation of licenses.—The State Commissioner of Health is hereby authorized to issue licenses for the operation of hospitals, sanatoriums, rest homes, nursing homes, or other related institutions as herein defined, which are found to comply with the provisions of this Act¹ and any regulations lawfully promulgated by said State Commissioner of Health.

The State Commissioner of Health is hereby authorized to suspend or revoke a license issued hereunder, on any of the following grounds:

1. Violation of any of the provisions of this Act or the rules and regulations issued pursuant thereto.
2. Permitting, aiding or abetting the commission of any illegal act in such institution.
3. Conduct of practices deemed by the State Commissioner of Health to be detrimental to the welfare of the patients of said institution.

Provided, that before any such license issued hereunder is suspended or revoked written notice shall be given the licensee, stating the grounds of the complaint, and of the date, time and place set for the hearing of said complaint, which date of hearing shall not be less than thirty (30) days from the time the notice is given. Said notice shall be sent by registered mail to the licensee at the address where the institution concerned is located. Said licensee shall be entitled to be represented by legal counsel at said hearing.

If a license is revoked as herein provided, a new application for license shall be considered by the State Commissioner of Health, if, when, and after the conditions upon which revocation was based have been corrected and evidence of this fact upon which revocation was based have been corrected and evidence of this fact has been furnished. A new license shall then be granted after proper inspection has been made and all provisions of

this Act and rules and regulations promulgated hereunder have been satisfied. Laws 1945, p. 228, § 6.

¹ Sections 326.1-326.13 of this title.

§ 326.1 Rules and regulations.—The State Commissioner of Health, with the advice and counsel of the Advisory Board, shall have the power under this Act¹ to establish and enforce such rules and regulations as it finds to be necessary and/or in the public interest, and in like manner, it may rescind, amend, or modify such regulations from time to time in such manner as it may deem for the public interest, insofar as such action is not in conflict with any of the provisions of this Act. Laws 1945, p. 229, § 7.

¹ Sections 326.1-326.13 of this title.

§ 326.8 Advisory council.—There shall be an Advisory council to the State Commissioner of Health to assist in the establishment of rules, regulations and standards necessary to carry out the provisions of this Act,¹ and to serve as consultants to the State Commissioner of Health. The Council shall meet at least twice each year and at the call of the State Commissioner of Health. The members of the Council shall annually elect one (1) of its members to serve as Chairman. The State Commissioner of Health shall have one (1) of the employees of the State Health Department to act as Secretary for said Council. The State Advisory Council shall be composed of one (1) person named by the Oklahoma State Medical Association, one (1) person named by the State Osteopathic Association, one (1) person named by the Oklahoma State Hospital Association, one (1) person named by the Oklahoma State Nurses Association, the chairman of the State Board of Public Affairs, and the Dean of the School of Medicine of the University of Oklahoma. The persons appointed by said Association shall serve at the pleasure of their respective associations. The members of the Council shall serve without compensation but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of the duties of their offices. Laws 1945, p. 229, § 8.

¹ Sections 326.1-326.13 of this title.

§ 326.9 Institutions within act—Placement and adoption of children.—All hospitals, sanatoriums, rest homes, nursing homes, and related institutions within the meaning of this Act,¹ including such hospitals as are strictly maternity hospitals only, shall come within this Act and the Act shall not be construed in any way to restrict or modify any Act pertaining to the placement and adoption of children. Laws 1945, p. 229, § 9.

¹ Sections 326.1-326.13 of this title.

§ 326.10 Information to be confidential.—Information received by the State Commissioner of Health through inspection or otherwise, authorized under this Act¹ shall be confidential and shall not be disclosed publicly except in a proceeding involving the question of licensure or revocation of license. Laws 1945, p. 230, § 10.

¹ Sections 326.1-326.13 of this title.

§ 326.11 Review of decisions of Commissioner.—All decisions of the State Commissioner of Health hereunder may be reviewed in the District Court of the county in which such institution is located or contemplated. Laws 1945, p. 230, § 11.

§ 326.12 Partial invalidity.—Should any provision or section of this Act be held to be invalid for any reason such holding shall not be construed as affecting the validity of any remaining portion of such section or of this Act,¹ it being the Legislative intent that this act shall stand, notwithstanding the invalidity of any such provision or section. Laws 1945, p. 230, § 12.

¹ Sections 326.1-326.13 of this title.

§ 326.13 Violations of law.—Any person, partnership, association, or corporation, including State, County, or local governmental unit or any division, department, board or agency thereof establishing,¹ conducting, managing, or operating any hospital, sanatorium, rest home, nursing home, or institution within the meaning of this Act,² without first obtaining a license therefor as herein provided, or who shall violate any of the provisions of this Act or regulations lawfully promulgated thereunder, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed One Hundred Dollars (\$100.00), or by

imprisonment in the County jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the court. Laws 1945, p. 230, § 13.

¹ Comma probably should be inserted.

² Sections 326.1-326.13 of this title.

§ 327.1 Survey and inventory of hospitals and health centers.—The State Commissioner of Health is directed to conduct and make a survey and inventory of the location, size and character of all existing public and private (proprietary as well as non-profit) hospitals and health centers within the State of Oklahoma; evaluate the sufficiency of such hospitals and health centers to supply the necessary physical facilities for furnishing adequate hospital, clinic and similar services to all the indigent people of the State; and compile such data and conclusions, together with a statement of the additional facilities necessary, in conjunction with existing structures, to supply such services. Laws 1945, p. 230, § 1.

Effective on approval April 25, 1945.

Section 5 of the Act of 1945 made an appropriation for the fiscal year ending June 30, 1946.

Title of Act:

An Act to provide for the making of a survey of all hospital and health center facilities within the State of Oklahoma, providing for the development of programs for the construction of public and other non-profit hospitals, making an appropriation; and declaring an emergency. Laws 1945, p. 230.

§ 327.2 State advisory council—Development of construction programs.—There is hereby created a State Advisory Council to assist the State Commissioner of Health, which Council shall be composed of one (1) person named by the Oklahoma State Medical Association, one (1) person named by the Oklahoma State Osteopathic Association, one (1) person named by the Oklahoma State Nurses Association, the Chairman of the State Board of Public Affairs and the Dean of the Oklahoma School of Medicine of the University of Oklahoma. Said persons shall at all times serve without compensation but shall be reimbursed for their actual and necessary expenses. It also shall be the duty of the State Commissioner of Health, Assisted by the State Advisory Council, to develop programs for construc-

tion of such public and other non-profit hospitals as will in conjunction with existing facilities afford the necessary physical facilities for furnishing adequate hospital, clinic and similar services to all of the State. Provided further, that nothing in this Act¹ shall prevent patients of such hospitals and clinics who desire actual visual care from obtaining the services of a legally qualified optometrist. Laws 1945, p. 231, § 2.

¹ Sections 327.1-327.4 of this title.

§ 327.3 Standards of United States Surgeon General to be followed—Reports.—The State Commissioner of Health in making the survey and inventory of existing hospitals and health centers, and in developing programs for the construction of public and other non-profit hospitals, will carry out such purposes in accordance with standards prescribed by the Surgeon General of the United States Public Health Service with the approval of the Federal Advisory Council. The State Commissioner of Health will make such reports, in such form and containing such information, as the Surgeon General of the United States Public Health Service may from time to time require, and shall comply with such requirements of said Surgeon General as will assure the correctness and the verification of such reports. Laws 1945, p. 231, § 3.

§ 327.4 Grants or advances by United States or agency or officer.—The State Commissioner of Health is authorized to apply for and accept on behalf of the State and to deposit with the State Treasurer and to expend for the purpose for which granted, any grant or advance by the United States or any agency or officer thereof, to assist in the carrying out of the purposes of this Act.¹ Laws 1945, p. 231, § 4.

¹ Sections 327.1-327.4 of this title.

§ 328.1 Sale only on written prescriptions.—From and after the effective date of this Act¹ it shall be unlawful for the following drugs, commonly called barbiturates, to-wit:

(a) Isonipeccaine (1 methyl-4 phenyl-piperidine-4 carboic acid ethylester), including any salt or preparation thereof by whatever name or trade name designated,

(b) Barbitol (acid-Diethyl-barbituric), including barbitol, phenobarbitol and every substance neither chemically nor physically distinguishable from them or any compound, manufacture, salt or derivative of barbituric acid, or mixture or preparation of such, and

(c) Benzedrine, or any compound, manufacture mixture, or preparation thereof, except those preparations intended for nasal or other external use; to be sold in Oklahoma except by drug stores licensed by the State Board of Pharmacy, and upon written prescriptions by persons licensed in this State to practice medicine and surgery, osteopathy, dentistry and veterinary medicine. Provided the provisions of this Act do not apply to wholesale drug firms in their contract or sales to drug stores licensed by the State Board of Pharmacy. Laws 1945, p. 241 § 1.

¹ Sections 328.1, 328.2 of this title.

Effective on approval May 5, 1945.

An Act making unlawful the sale in Oklahoma of certain defined drugs, commonly called barbiturates, except by licensed drug stores and upon written prescriptions by persons licensed in the State to practice medicine and surgery, osteopathy, dentistry and veterinary medicine; fixing penalty for violation thereof; and declaring an emergency.

Laws 1945, p. 241.

§ 328.2 Punishment for violations.—Any person, firm or corporation violating the provisions of Section 1 of this Act¹ shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Ten (\$10.00) Dollars nor more than Two Hundred Fifty (\$250.00) Dollars. Laws 1945, p. 241, § 2.

¹ Section 328.1 of this title.

§ 329.1—State plan for construction—Duty and authority of State Commissioner of Health.—The State Commissioner of Health is hereby authorized and directed to formulate a State plan for the construction of public and other non-profit hospitals in the State of Oklahoma, to be submitted to the Surgeon General of the United States Public Health Service for his approval. The State Commissioner of Health shall have authority to carry out such State plan approved by the Surgeon General of the

United States Public Health Service insofar as funds are made available for the construction of any hospital included in such State plan. Such State plan shall set forth a hospital construction program as will be sufficient, in conjunction with existing facilities to provide the necessary physical facilities for furnishing adequate hospital, clinic, and similar services to all the people of the State. Provided further, that nothing in this Act¹ shall prevent patients of such hospital and clinics who desire visual care from obtaining the services of a legally qualified optometrist. Laws 1945, p. 232, § 1.

¹ Sections 329.1-329-8 of this title.

Effective on approval April 28, 1945.

Section 5 of the Act of 1945 made a non-fiscal appropriation for administrative expenses for the fiscal year ending June 30, 1946.

Title of Act:

An Act relating to public health; authorizing the State Commissioner of Health to formulate and administer a State plan for the construction of public and other non-profit hospitals, and other health facilities; authorizing the acceptance of Federal grants for Federal participation in such construction and for administrative expenses; making an appropriation, defining the term "hospital" and other terms as used in the Act; prescribing duties of the State Commissioner of Health; authorizing certain political subdivisions to issue bonds for hospital purposes and to operate hospitals; authorizing such subdivisions to cooperate in constructing and operating hospitals; making provisions of the Act severable; and declaring an emergency. Laws 1945, p. 232.

§ 329.2 Contents and provisions of state plan.—

The State plan formulated by the State Commissioner of Health shall set forth the relative need for the hospital projects included therein, determined in accordance with standards prescribed by the Surgeon General of the United States Public Health Service, and shall provide for the construction of said projects insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need. The State plan formulated by the State Commissioner of Health shall provide such methods of administration of the plan as the Surgeon General of the United States Public Health Service finds

necessary for its proper and efficient operation, and the plan shall contain provision for affording any applicant for a construction project an opportunity for a hearing before the State Commissioner of Health. Laws 1945, p. 232, § 2.

§ 329.3 Reports — Modifications — Grants from United States—Rules and regulations.—The State Commissioner of Health shall make such reports, in such form and containing such information as the Surgeon General of the United States Public Health Service may from time to time require, and shall comply with such provisions as the Surgeon General of the United States Public Health Service may from time to time find necessary to assure the correctness and verification of such reports. The State Commissioner of Health shall from time to time review the hospital construction program set forth in the State plan and submit to the said Surgeon General and to the Federal Advisory Council any necessary modifications thereof. The State Commissioner of Health shall have the authority to accept grants of money from the United States for the construction of hospitals and for administrative expenses, and shall comply with all rules and regulations relating to the expenditure thereof imposed by the Surgeon General of the United States Public Health Service or other authorized Federal Agency. Laws 1945, p. 233, § 3.

§ 329.4 Approval of applications—Receipt, payment and use of moneys—Authority to apply for participation—Consultation with advisory council—All applications for construction projects shall comply with the requirements of Federal law and shall not be submitted to the Surgeon General of the United States Public Health Service unless approved by the State Commissioner of Health. Federal Grants for the construction of hospitals may be received by the State Commissioner of Health or the same may be paid direct to the applicant. Such monies shall be used solely for carrying out such projects approved by the State Commissioner of Health and the Surgeon General of the United

States Public Health Service. The State of Oklahoma, or any county, city or town, in any corporation or association authorized to operate a non-profit hospital and no part of the net earnings of which inures to the benefit of any private shareholder or individual, may file an application for Federal participation in a hospital construction project. The State Commissioner of Health may consult with the State Advisory Council in formulating and revising the State plan hereinbefore provided for. Laws 1945, p. 233, § 4.

§ 329.5 Bonds of counties, cities and towns.—Any county, city or town is hereby authorized to issue bonds for construction and equipping a hospital to be owned and operated by such county, city, or town in accordance with standards approved by the State Commissioner of Health; provided that such bonds may be issued to construct a jointly owned and operated hospital by two (2) or more counties, or by one (1) or more counties and a city. Such bonds shall be issued upon the assent thereto of three-fifths (3/5s) of the voters of the subdivision issuing the bonds voting at an election held for that purpose. The proposition voted on shall state specifically the type of hospital facility to be constructed. Such election shall be called by the governing board or managing body of such subdivision. Notice of the election shall be published for two (2) consecutive weeks in a weekly or daily newspaper having a general circulation in the subdivision. The bonds shall be made to mature serially as now provided by law and shall be sold at an advertised sale under existing law. The rate of interest shall not exceed six per cent (6%) per annum. The bonds shall be submitted to the Attorney General for his approval as ex-officio Bond Commissioner of the State. Laws 1945, p. 233, § 6.

§ 329.6 Definitions.—For the purpose of this Act¹

(a) The term "hospital" includes public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related

facilities such as laboratories, out-patient departments, nurses' homes and training facilities, and central service facilities operated in connection with hospitals, but shall not include any hospital furnishing primarily domiciliary care;

(b) The term "public health center" means a publicly owned facility for the provision of public health services and medical care, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers;

(c) The term "non-profit hospital" means any hospital owned and operated by a corporation or association, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(d) The term "construction" or "constructing" includes construction of new buildings, expansion, remodeling, and alteration of existing buildings, initial equipment of any such buildings, and landscaping the site thereof; including architects' fees, legal counsel, and all other expenses incidental to construction but excluding the cost of off-site improvements and, except with respect to public health centers, the cost of the acquisition of land;

(e) The term "cost of construction" means the amount found by the State Commissioner of Health and the Surgeon General of the United States Public Health Service to be necessary for the construction of a project. Laws 1945, p. 234, § 7.

¹ Sections 329.1-329.9 of this title.

§ 329.7 Selection of practitioners.—Provided nothing in this Act¹ shall deprive any citizen of this State from selecting any practitioner licensed to practice his profession by the State of Oklahoma. Laws 1945, p. 234, § 8.

¹ Sections 329.1-329.8 of this title.

§ 329.8 Severability—Partial invalidity.—The provisions of this Act¹ are severable and if any section, paragraph, sentence, or provision thereof be held to be void by any court of competent juris-

diction, the decision of the court shall not affect the validity of this Act as a whole, nor any part thereof, other than the portion so held to be invalid. The Legislature hereby declares that it would have passed this Act had any such invalid portion been omitted. Laws 1945, p. 234, § 9.

¹ Sections 329.1-329.8 of this title.

Chapter 8 — Hotels

Sec.

- 331. Definition of hotel—right to use name—issuance of license.
- 332. Rooming house defined—license.
- 333. Apartment house defined—license.
- 334. Restaurant defined—license.
- 335. Term “proprietor.”
- 336. Necessity of license—expiration of license—transfer.
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- 339. Plumbing, lighting and ventilation—access from sleeping rooms.
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§ 331. Definition of hotel; right to use name—
Issuance of license.—Every building or other structure, kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which eight or more rooms are used for the accommodation for such transient guests and having one or more dining rooms or cafes, where meals or lunches are served to such transient guests, such sleeping accommodations and

dining rooms being conducted in the same building and under the same management, together with any buildings in connection therewith, shall, for the purposes of this Act, be deemed a hotel, such only shall have the right to the use of the name "hotel" in connection with their business, and upon the proper application the State Board of Health shall issue to such above described business a license to conduct a hotel. Laws 1915, ch. 227, § 1.

C.S. 1921, § 8771; St. 1931, § 4519.

19 A.L.R. 641; 53 A.L.R. 988; Innkeepers 3, 4.

§ 332. Rooming house defined—License.—Every building or other structure kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are furnished for pay for transient or permanent guests in which eight or more rooms are used for the accommodation of such guests, but which does not maintain dining rooms or cafes in the same building, and under the same management together with any buildings in connection therewith, shall, for the purpose of this Act,¹ be deemed a rooming house and shall not have the right to the use of the name "hotel" in connection with such business. Upon proper application, the State Board of Health shall issue to such described business a license to conduct a rooming house; provided, that nothing in this act shall be construed to prevent the use of any name the proprietor of such rooming house may desire to apply to his business, which name does not include the word "hotel." Laws 1915, ch. 227, § 2.

¹ Sections 331-348 of this title.

C.S. 1921, § 8772; St. 1931, § 4520.

Innkeepers 3, 4.

§ 333. Apartment house defined—License.—Every building or other structure kept, used, maintained, advertised or held out to the public to be a place where accommodations for sleeping rooms, either single or in suites for light housekeeping, or both, but where no dining room or cafe is maintained in the same building or under the same management, and where two or more families or tenants aggregating 15 persons or more occupy said building, together with any buildings in connection therewith, shall for the purposes of this act, be deemed to be an apartment house and shall not have the

right to use the word "hotel" or "rooming house" in such business. Upon proper applications, the State Board of Health shall issue to the above described business a license to conduct an apartment house; provided, that nothing in this act¹ shall be construed to prevent the use of any name the proprietor of a licensed apartment house may desire to apply to his business, which name does not include the words "hotel" or "rooming house." Laws 1915, ch. 227, § 3.

¹ Sections 331-348 of this title.

C.S. 1921, § 8773; St. 1931, § 4521.

Innkeepers ☞3,4.

§ 334. **Restaurant defined—Licensed.** — Every building or other structure kept, used, maintained, advertised, or held out to the public to be a place where meals or lunches are served without sleeping accommodations together with all outbuildings in connection therewith, shall for the purpose of this act,¹ be defined, a restaurant, and, upon proper application to the State Board of Health, shall issue to such above described business a license to conduct a restaurant; provided, that nothing in this act shall be construed to prevent the use of any name a proprietor of a licensed restaurant may desire to apply to his business, which name does not include the word "hotel," "rooming house" or "apartment house." Laws 1915, ch. 227, § 4.

¹ Sections 331-348 of this title.

C.S. 1921, § 8774; St. 1931, § 4522.

Licenses ☞11(1).

§ 335. **Term "proprietor."**—Whenever used in this act¹ or any act amendatory hereof, the word "proprietor" of any hotel, rooming house, apartment house or restaurant, it shall mean and include any owner, proprietor, lessee, manager, receiver, agent or other person in charge of such hotel, rooming house, apartment house, or restaurant, within the meaning of this act. Laws 1915, ch. 227, § 5.

¹ Sections 331-348 of this title.

C.S. 1921, § 8775; St. 1931, § 4523.

106 A.L.R. 1003; Innkeepers ☞3.

§ 336.—**Necessity of license—Expiration of license—Transfer.**—On or before July 1st, 1915, and on or before July 1st, of each year thereafter, every person, firm or corporation now engaged in the business of conducting a hotel, or restaurant, or

both, or a rooming house or apartment house, and every person, firm or corporation who shall hereafter engage in conducting such business, shall procure a license for each hotel, rooming house, apartment house or restaurant so conducted or proposed to be conducted; provided, that one license shall be sufficient for each combined hotel and restaurant, where both are conducted in the same building, and under the same managements. Each license shall expire on the 30th day of June next following its issuance.

No hotel, rooming house, apartment house or restaurant shall be maintained or conducted in this state after July 1, 1915, without a license therefor. No license shall be transferable except application be made therefor in writing to the State Board of Health. Laws 1915, ch. 277, § 6.

C.S. 1921, § 8776; St. 1931, § 4524.

Innkeepers ☞4; Licenses ☞11(1).

§ 337. **Application blanks.**—The State Board of Health shall, upon request therefor, furnish to any person, firm or corporation desiring to conduct a hotel, rooming house, apartment house or restaurant, the necessary application blanks for a license which the applicant shall fill in, stating the full name and address of the owner and address of the agent or both, or lessee and manager of such hotel, rooming house, apartment house, together with a full description of the building and property to be used or proposed to be used for such business, and stating the location of same, which application upon its return to the State Board of Health, shall be accompanied by a license fee, as provided by law. Laws 1915, ch. 227, § 7.

C.S. 1921, § 8777; St. 1931, § 4525.

Innkeepers ☞4; Licenses ☞22.

§ 338. **Penalty.**—Every person, firm or corporation who shall fail or refuse to comply with the provisions of this Act,¹ shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$5.00 nor more than \$50.00 for each and every day he shall fail or refuse to so comply. Laws 1915, ch. 227, § 8.

¹ Sections 331-348 of this title.

C.S. 1921, § 8778; St. 1931, § 4526.

Innkeepers ☞15; Licenses ☞40.

§ 339. Plumbing, lighting and ventilation—Access from sleeping rooms.—Every hotel, rooming house, apartment house or restaurant in this state shall be properly plumbed, lighted and ventilated, and shall be conducted in every department with strict regard to health, comfort and safety of the guests; provided, that such proper lighting shall be construed to apply to both daylight illumination, and that such proper plumbing shall be construed to mean that all plumbing and drainage shall be constructed and plumbed according to approved sanitary principles, and that such proper ventilation shall be construed to mean at least one door and one window in each sleeping room.

No room shall be used as a sleeping room which does not open to the outside of the building or upon light wells, air shafts or courts, and all sleeping rooms shall have at least one window and one door.

In each sleeping room there must be at least one window with openings so arranged as to provide easy access to the outside of building light wells or courts. Laws 1915, ch. 227, § 9.

C.S. 1921, § 8779; St. 1931, § 4527.
Health ☞32; Innkeepers ☞2.

§ 340. Privies or vaults.—In all cities, towns and villages not having a system of waterworks, every hotel, rooming house, apartment house, or restaurant, shall have properly constructed privies or other vaults to receive the night soil, the same to be kept clean and well screened at all times, and free from filth of every kind. Separate apartments shall be furnished for sexes, each being properly designated. Laws 1915, ch. 227, § 10.

C.S. 1921, § 8780; St. 1931, § 4528.
Health ☞31; Innkeepers ☞2.

§ 341. Wash room.—Each hotel or restaurant in this state shall be provided with a main public wash room convenient and of easy access to guests. Laws 1915, ch. 227, § 11.

C.S. 1921, § 8781; St. 1931, § 4529.
Health ☞31; Innkeepers ☞2.

§ 342. Supervision of licensing, examination and inspection.—For the purpose of carrying into effect the provisions of this act,¹ the State Board of Health shall supervise the licensing, examination and inspection of all hotels, rooming houses, apartment

houses, or restaurants as provided herein. Laws 1915, ch. 227, § 12.

¹ Sections 331-348 of this title.

C.S. 1921, § 8782; St. 1931, § 4530.

92 A.L.R. 400; Health Ⓒ31; Innkeepers Ⓒ2.

§ 343. Duty of Inspector—Records—Blanks for reports by citizens.—It shall be the duty of said inspectors under the supervision and direction of the State Board of Health, to see that all provisions of this act¹ are complied with and said inspectors shall personally inspect, once in twelve months as herein provided, every hotel, rooming house, apartment house, and restaurant as defined in this act, but it shall be unlawful for such inspector to make known to the proprietor in charge of such hotel his intentions to make inspection at such time. Said inspectors are hereby granted police power to enter any hotel, rooming house, apartment house or restaurant, at any reasonable hour to determine whether or not the provisions of this act are being complied with. The State Board of Health shall keep a complete set of books for public use and inspection showing the condition of each hotel, rooming house, apartment house, and restaurant so inspected, together with the name of the proprietor, and showing its sanitary condition and the number and condition of its fire escapes and any other information for the benefit of the public service. It shall also be the duty of the State Board of Health to furnish any citizen of the state with such blanks as to facilitate the reports desired to be made by any such citizen relative to any hotel, rooming house, apartment house, or restaurant, subject to the provisions of this act and to enable such citizens to give an abstract of evidence or names of witnesses which may be produced to sustain the charge of any violation of this act. Laws 115, ch. 227, § 13.

¹ Sections 331-348 of this title.

C.S. 1921, § 8783; St. 1931, § 4532.

Health Ⓒ31; Innkeepers Ⓒ2.

§ 344. Certificate of inspection.—If the State board of Health shall find, after examination and report of the inspector of any hotel, rooming house, apartment house, or restaurant in such county that his law has been fully complied with and the license fee paid, said Board of Health shall issue

certificate to that effect to the proprietor of such hotel, rooming house, apartment house or restaurant, and said certificate shall be kept posted up in a conspicuous place, in said building. Laws 1915, ch. 227, § 14.

C.S. 1921, § 8784; St. 1931, § 4533.
Health ☞31; Innkeepers ☞2.

§ 345. **False certificate—Penalty.**—Any inspector or member of the State Board of Health who shall wilfully certify falsely regarding any building inspected by him or under them or who shall issue a certificate to any person operating a hotel, rooming house, apartment house, or restaurant when the person operating the same has not complied with the provisions of this act,¹ he shall be deemed guilty of a felony and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than five hundred dollars, or shall be confined in the state prison for a year and a day and shall forever be disqualified from holding any public office in the State of Oklahoma. Laws 1915, ch. 227, § 15.

¹ Sections 331-348 of this title.
C.S. 1921, § 8785; St. 1931, § 4534.
Health ☞37.

§ 346. **Resisting officer—Violations of act.**—Any proprietor of a hotel, rooming house, apartment house or restaurant who shall obstruct or hinder any inspector in the proper discharge of his duties under this act,¹ or who shall operate such hotel, rooming house, apartment house or restaurant or keep the same open for the public, after an examination thereof as provided in this act, without paying the license fee and obtaining the certificate authorized to be issued by this act, shall be guilty of a misdemeanor. Laws 115, ch. 227, § 16.

¹ Sections 331-348 of this title.
C.S. 1921, § 8786; St. 1931, § 4535.
Obstructing Justice ☞7.

§ 347. **Complaint.**—It shall be the duty of the inspector, upon ascertaining by inspection or otherwise, that after this act¹ takes effect, any hotel, rooming house, apartment house or restaurant is being carried on contrary to the provisions of this act, to make complaint and cause the arrest of the person so violating same. Laws 115, ch. 227, § 17.

¹ Sections 331-348 of this title.
C.S. 1921, § 8787; St. 1931, § 4536.
Innkeepers ☞15; Licenses ☞42 (3).

§ 348. Violations—Misdemeanor— Punishment. —

Any violation of this act¹ (where not otherwise provided for, both as to grade and punishment) shall constitute a misdemeanor, and any person convicted shall be fined in a sum not less than ten dollars nor more than one hundred dollars or by punishment of imprisonment in the county jail for not less than five nor more than sixty days, or both such fine and imprisonment. Laws 1915, ch. 227, § 18.

¹ Sections 331-348 of this title.

C.S. 1921, § 8788; St. 1931, § 4537.

Innkeepers ☞15; Licenses ☞40.

§ 349. Inspection—Hotels—Food and drink dispensers—License.—From and after the passage of this act, all hotels, lodging and rooming houses, drug stores, grocery stores, restaurants, drink fountains, confectioneries, fruit stores, bakeries and meat markets of the State of Oklahoma shall be required to pay to the State Commissioner of Health a license fee as hereinafter specified in lieu of all inspection fees provided for under the existing laws. That upon the payment of said license fee, an annual license shall be issued by the State Commissioner of Health, all licenses to be dated July 1st, and run for a period of one year. Laws 1915, ch. 158, § 1.

C.S. 1921, § 8789; St. 1931, § 4592.

Food ☞3; Innkeepers ☞4.

§ 350. Sanitary inspection by Commissioner of Health.—Said State Commissioner of Health shall make or cause to be made, a sanitary inspection one or more times each year and under said inspections to make such orders as are now authorized by law. Laws 1915, ch. 158, § 2.

C.S. 1921, § 8790; St. 1931, § 4593.

10 A.L.R. 127; Food ☞3; Innkeepers ☞2.

§ 351. Fee—Hotels and lodging houses.—The fee for license to conduct such hotels, lodging and rooming houses shall be two (\$2.00) dollars per annum, except hotels that contain twenty (20) sleeping rooms in which case the fee shall be three (\$3.00) dollars, and for every additional ten rooms a fee of one (\$1.00) dollar shall be charged, which shall be paid to the State Commissioner of Health before said license shall issue. Laws 1915, ch. 158, § 3.

C.S. 1921, § 8791; St. 1931, § 4594.

Food ☞3; Innkeepers ☞4.

§ 352. Fee—Selling of drugs, food drinks.—The fee for license to conduct drug stores, grocery stores, restaurants, drink fountains, confectioneries, bakeries, fruit stores and meat markets shall be one (\$1.00) dollar per annum to be paid to the State Commissioner of Health as set out in section 3.¹ Laws 1915, ch. 158, § 4.

¹ Section 351 of this title.

C.S. 1921, § 8792; St. 1921, § 4595.

Food ☞3.

§ 353. Fees, disposition—License posted.—The State Commissioner of Health on the first day of each month shall pay into the State Treasury all fees collected for licenses issued during the preceding month, and the persons, firms, associations or corporations receiving such licenses shall keep the same posted in a conspicuous place in the premises so licensed. Laws 1915, ch. 158, § 5.

C.S. 1921, § 8793; St. 1931, § 4596.

5 A.L.R. 1312; Food ☞3; Innkeepers ☞4.

§ 354. Violation of provisions—Forfeiture of license—Penalty. Whenever any person, firm, association or corporation licensed under the provisions of this act¹ shall fail to comply with the laws of the State of Oklahoma and the regulations of the State Commissioner of Health with reference to sanitation and alter their methods of running their respective places of business as ordered by him, such license shall be forfeited and in addition thereto, upon conviction such person or persons having such business in charge shall be fined in a sum not less than twenty-five (\$25.00) Dollars or more than one hundred (\$100.00) dollars and shall not be allowed to re-enter business until said order shall have been complied with and a new license provided as hereunder directed. Laws 1915, ch. 158, § 6.

¹ Sections 349-355 of this title.

C.S. 1921, § 8794; St. 1931, § 4597.

Food ☞12; Innkeepers ☞15.

§355. Unsanitary place—County Attorney to prosecute—Health Commissioner to report.—It shall be the duty of the State Commissioner of Health to report to the county attorney of the county in which infractions of this law are found to exist, giving the name of the person or persons offending, the charge against him or them, and thereupon the county attorney shall take

proper action under the criminal laws to prosecute the offender, or civil action to abate the nuisance found to exist. Laws 1915, ch. 158, § 7.

C.S.1921, § 8795; St. 1931, § 4598.

District and Prosecuting Attorneys ☞8.

Chapter 9.—Maternity and Infancy

Sec.

381. Acceptance of Act of Congress.

382. State Board of Health—powers and duties.

383. State Treasurer as custodian of funds.

SEROLOGICAL BLOOD TEST FOR SYPHILIS OF PREGNANT WOMEN (NEW)

Sec.

391. Sample of blood taken and submitted to laboratory for testing.

392. Births and stillbirth — report as to whether test was made.

393. Treatment by prayer or spiritual means excepted.

394. Violation punishable as misdemeanor.

State Board of Health, duties and powers imposed on State Commissioner of Health, see section 1.3 of this title.

§ 381. Acceptance of act of congress.—The State of Oklahoma hereby accepts all the provisions of an Act of the Congress of the United States, approved November 23, 1921, entitled, "An Act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes."¹ Laws 1923, ch. 38, p. 51, § 1.

¹ 42 U.S.C.A. § 161-174.

St. 1931, § 4476.

3 A.L.R. 1233; 88 A.L.R. 1068; Health ☞6.

§ 382. State Board of Health—Powers and duties.—The State Board of Health is hereby empowered and directed to cooperate through its Division of Child Hygiene (now known as the Bureau of Maternity and Infancy) in the administration of the Act of Congress aforesaid,¹ and do all things necessary to entitle the State of Oklahoma to receive all of the benefits thereof, and to carry into effect the provisions of said Act. Laws 1923, ch. 38, p. 51, § 2.

¹ 42 U.S.C.A. § 161-174.

St. 1931, § 4477.

Health ☞6.

§ 383. State Treasurer as custodian of funds.—The State Treasurer is hereby designated as the custodian of all funds allotted to the State of Oklahoma from appropriations made by Congress

under or in pursuance of said Act,¹ and that he shall receive and provide for the proper custody and disbursement of the same in accordance with the law. Laws 1923, ch. 38, p. 52, § 3.

¹ 42 U.S.C.A. § 161-174.

St. 1931, § 4478.

States  122.

SEROLOGICAL BLOOD TEST FOR SYPHILIS OF PREGNANT WOMEN (NEW)

§ 391. Sample of blood taken and submitted to laboratory for testing.—Serological blood test for syphilis of pregnant women. Every physician attending a pregnant woman in Oklahoma during gestation shall, in the case of each woman so attended, take or cause to be taken a sample of blood of such woman at the time of first examination, and submit such sample to an approved laboratory for a standard serological test for Syphilis. Every other person permitted by law to attend upon pregnant women in the State but not permitted by law to take blood tests, shall cause a sample of the blood of such pregnant woman to be taken by a duly licensed physician, licensed to practice in the State of Oklahoma, and submitted to an approved laboratory for a standard serological test for Syphilis. The term "approved laboratory" means a laboratory approved for this purpose by the State Commissioner of Health. A standard serological test for Syphilis is one recognized as such by the State Commissioner of Health. Such laboratory tests as are required by this Act¹ shall be made on request without charge by the State Department of Health. Laws 1945, p. 246, § 1.

¹ Sections 391-394 of this title.

Effective on approval April 19, 1945.

Section 5 of the Act of 1945 repealed all conflicting laws or parts of laws.

Title of Act:

An act requiring a serological blood test for syphilis of pregnant women; defining the duties of attending physician; taking a sample of the blood of such women, and submitting such blood sample to an approved laboratory for a standard serological test for syphilis; defining the duties of all physicians and non-licensed practitioners in attendance on such women; describing methods and defining words used in this Act; requiring report and certificate of every birth and still-

birth by the physician or others; providing penalties for violations of this Act; and declaring an emergency. Laws 1945, p. 246.

§ 392. Births and stillbirths—Report as to whether test was made.—In reporting every birth and stillbirth, physicians and others permitted to attend pregnancy cases and required to report births and stillbirths shall state on the birth certificate or stillbirth certificate, as the case may be, whether a blood test for Syphilis has been made during such pregnancy upon a specimen of blood taken from the woman who bore the child for which a birth or stillbirth certificate is filed and, if made, the date when such test was made, and, if not made, the reason why such test was not made. In no event shall the birth certificate state the result of the test. Laws 1945, p. 246, § 2.

§ 393. Treatment by prayer or spiritual means excepted.—None of the provisions of this Act¹ shall apply to any person who, as an exercise of religious freedom, administers to or treats the sick or suffering by spiritual means or prayer, nor to any person who, because of her religious belief, in good faith selects and depends upon such spiritual means or prayer for treatment or cure of disease. Laws 1945, p. 246, § 3.

¹ Sections 391-394 of this title.

§ 394. Violation punishable as misdemeanor.—The violation of any of the provisions of this Act¹ shall be deemed a misdemeanor and punished accordingly. Laws 1945, p. 246, § 4.

¹ Sections 391-394 of this title.

Chapter 10 —Narcotic Drugs

UNIFORM NARCOTIC DRUG ACT

Sec.

401. Definitions of terms used.
402. Manufacture, possession, sale, etc.—only as prescribed.
403. License—necessity—from whom obtained.
404. Proof before issuance of license—disqualification of persons convicted—suspension or revocation of license.
405. Manufacturers and wholesalers—to whom sale or dispensing authorized—requisites and preservation of written orders—administration or dispensing within scope of employment or official duty.

- 406. Apothecaries—when and to whom sale and dispensing authorized.
- 407. Physicians, dentists and veterinarians—authority to prescribe, administer or dispense—return of unused portion by person obtaining.
- 408. Excepted preparations—conditions of exemption.
- 409. Records of transactions.
- 410. Labels.
- 411. Patients and owners of animals—possession only in original container.
- 412. Common carriers and warehousemen—public officers and employees—temporary incidental possession.
- 413. Places constituting common nuisances—keeping prohibited.
- 414. Forfeiture and disposition of drugs not lawfully possessed—title not ascertainable.
- 415. Convictions—copy sent licensing board—suspension or revocation of license—reinstatement.
- 416. Inspection of prescriptions, orders and records—information not to be divulged.
- 417. Fraud, forgery, etc.—communication to physician not privileged—false statements—false impersonation—application of section.
- 418. Exceptions, etc.; need not be negatived—burden of proof.
- 419. Enforcement—duties of Board of Health, county attorneys and peace officers.
- 420. Violations of Act—punishment.
- 421. Acquittal or conviction under federal law as
- 422. Partial invalidity, effect of.
- 423. Construction to effectuate general purpose.
- 424. Citation of Act.

MARIHUANA

- 451. Sale, growth or possession.
- 452. Violation of act a felony—punishment.

VERONAL, BARBITAL AND LUMINOL

- 461-464 Repealed.

UNIFORM NARCOTIC DRUG ACT

§401. Definitions of terms used.—The following words and phrases, as used in this Act,¹ shall have the following meanings, unless the context otherwise requires:

- (1) "Person" includes any corporation, as-

sociation, co-partnership, or one or more individuals.

(2) "Physician" means a person authorized by law to practice medicine in this State and any other person authorized by law to treat sick and injured human beings in this State and to use narcotic drugs in connection with such treatment.

(3) "Dentist" means a person authorized by law to practice denistry² in this State.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this State.

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced nor prepared, on official written orders, but not on prescriptions.

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this State and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this Act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this State.

(8) "Hospital" means an institution for the care and treatment of the sick and injured, approved by the State Board of Medical Examiners as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(9) "Laboratory" means a laboratory approved by the State Board of Health as proper

to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of "instuction."³

(10) "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.

(11) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivative of coca leaves which do not contain cocain, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

(12) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium, but does not include apomorphine or any of its salts.

(13) "Narcotic drugs" means coca leaves and opium and every substance neither chemically nor physically distinguishable from them.

(14) "Federal Narcotic Laws" means the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

(15) "Official Written Order" means an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefore,⁴ if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form for that purpose by the State Board of Health.

(16) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.

(17) "Registry number" means the number assigned to each person registered under the Federal Narcotic Laws. Laws 1935, p. 49, §1.

¹ Sections 401-424 of this title.

² Probably should read "dentistry."

³ Probably should read "instruction."

⁴ Probably should read "therefor."

Validity.—Ex parte Bryson, 21, Okl. Cr. 152, 205 P. 190. This section impliedly repealed Act of 1919. Rich v. State, 61 Okl. Cr. 148, 66 P. 2d 950.

13 A.L.R. 858; 39 A.L.R. 286; Poisons ⚔2.

§ 402. Manufacture, possession, sale, etc.—Only as prescribed.—It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drug, except as authorized in this Act.¹ Laws 1935, p. 50, § 2.

¹ Sections 401-424 of this title.

Purchaser not accomplice of seller. *Jefferson v. State*, 34 Okl. Cr. 56, 244 P. 460.

Charge of sale of morphine sustained by proof of sale of morphine sulphate.

Jefferson v. State, 34 Okl. Cr. 56, 244 P. 460.

Evidence held to support conviction. *Griffin v. State*, 57 Okl. Cr. 176, 46 P. 2d 382; *Adams v. State*, 33 Okl. Cr. 203, 243 P. 258.

Evidence held insufficient to support conviction. *Briggs v. State*, 34 Okla. Cr. 378, 246 P. 655; *Alexander v. State*, 26 Okl. Cr. 8, 221 P. 516.

Poisons ☞ 2.

§ 403. License—Necessity—From whom obtained.—No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare narcotic drugs, without having first obtained a license to do so from the State Board of Pharmacy, if such person be an apothecary or pharmacist, or from the State Board of Medical Examiners, if such person be a hospital or physician or surgeon licensed to practice medicine in this State, or from the State Board of Veterinary Medical Examiners, if such person be a Veterinarian, or from the State Board of Health, if such person be a wholesaler or manufacturer or laboratory, or from the State Board of Dental Examiners, if such person be a dentist. Laws 1935, p. 50, § 3.

Poisons ☞ 2.

§ 404. Proof before issuance of license—Disqualification of persons convicted—Suspension or revocation of license.—No license shall be issued under the foregoing section¹ unless and until the applicant therefor has furnished proof satisfactory to the proper board specified in the preceding section:

(a) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character.

(b) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

No license shall be granted to any person who has within five years been convicted of a willful violation of any law of the United States, or of any state, relating to opium, coca leaves, or other narcotic drugs, or to any person who is a narcotic drug addict.

Each of the respective boards enumerated in Section 3, of this Act¹ may suspend or revoke any license issued thereby, for cause. Laws 1935, p. 50, § 4.

¹ Section 403 of this title.

Poisons 2.

§ 405. Manufacturers and wholesalers — To whom sale or dispensing authorized — Requisites and preservation of written orders—Administration or dispensing within scope of employment or official duty.—

(1) A duly licensed manufacturer or wholesaler may sell and dispense narcotic drugs to any of the following persons, but only on official written orders:

(a) To a manufacturer, wholesaler, or apothecary;

(b) To a physician, dentist, or veterinarian;

(c) To a person in charge of a hospital, but only for use by or in that hospital;

(d) To a person in charge of a laboratory, but only for use in that laboratory for scientific and medical purposes.

(2) A duly licensed manufacturer or wholesaler may sell narcotic drugs to any of the following persons:

(a) On a special written order accompanied by a certificate of exemption, as required by the

Federal Narcotic Laws, to a person in the

employ of the United States Government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing narcotic drugs by reason of his official duties;

(b) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, for the actual medical needs of persons on board such ship or aircraft, when not in port: Provided: Such narcotic drugs shall be sold to the master of such ship or person in charge of such aircraft only in pursuance of a special order¹ form approved by a commissioned medical officer or acting assistant surgeon of the United States Public Health Service;

(c) To a person in a foreign country if the provision of the Federal Narcotic Laws are complied with.

(3) An official written order for any narcotic drug shall be signed in duplicate by the person giving said order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drug or drugs named therein. In event of the acceptance of such order by said person, each party to the transaction shall preserve his copy of such order for a period of two years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this Act.² It shall be deemed a compliance with this subsection if the parties to the transaction have complied with the Federal Narcotic Laws, respecting the requirements governing the use of order forms.

(4) Possession of or control of narcotic drugs obtained as authorized by this Section shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor.

(5) A person in charge of a hospital or of a laboratory, or in the employ of this State or of any other state, or of any political subdivision thereof, and a master or other proper officer of a ship or aircraft, who obtains narcotic drugs under the provisions of this Section or otherwise, shall not administer, nor dispense, nor otherwise use such drugs, within this State, except within the scope of his employment or official duty, and then only

for scientific or medicinal purposes and subject to the provisions of this Act. Laws 1935, p. 51, § 5.

¹ Probably should read "order."

² Sections 401-424 of this title.

Poisons ☞2.

§ 406. Apothecaries—When and to whom sale and dispensing authorized.—

(1) An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a physician, dentist, or veterinarian, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the Federal Narcotic Laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this Act.¹ The prescription shall not be re-filled.

(2) The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or apothecary but only on an official written order.

(3) An apothecary, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic does not exceed a proportion greater than twenty per cent of the complete solution, to be used for medical purposes. Laws 1935, p. 51, § 6.

¹ Sections 401-424 of this title.

Poisons ☞2.

**§ 407. Physicians, dentists and veterinarians—
Authority to prescribe, administer or dispense—
Return of unused portion by person obtaining.—**

(1) A physician or a dentist, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision.

(2) A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense narcotic drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision.

(3) Any person who has obtained from a physician, dentist, or veterinarian any narcotic drug for administration to a patient during the absence of such physician, dentist, or veterinarian, shall return to such physician, dentist, or veterinarian any unused portion of such drug, when it is no longer required by the patient. Laws 1935, p. 52, § 7.

One charged with violation of statute was not immune from prosecution because he was a physician, and entitled as such to prescribe use of narcotic drugs in quantity and manner only prescribed by statute.

Stout v. State 26 Okl.Cr. 390, 224 P. 375.

Poisons ②2.

§ 408. Excepted preparations—Conditions of exemption.—Except as otherwise in this Act¹ specifically provided, this act shall not apply to the following cases:

(1) Prescribing, administering, dispensing, or selling at retail of any medicinal preparation that contains in one fluid ounce or if solid or semi-solid preparation, in one avoirdupois ounce, (a) not more than two grains of opium, (b) not more than one-quarter of a grain of morphine or of any of its salts, (c) not more than one grain of codeine or of any of its salts, (d) not more than one-eighth of a grain of heroin or of any of its salts, (e) and not more than one of the drugs named above in clauses (a), (b), (c), and (d).

(2) Prescribing, administering, dispensing, or selling at retail of liniments, ointments, and other

preparations, that are susceptible of external use only and that contain narcotic drugs in such combinations as to prevent their being readily extracted from such liniments, ointments, or preparations, except that this Act shall apply to all liniments, ointments and other preparations, that contain coca leaves in any quantity or combination.

The exemptions authorized by this Section shall be subject to the following conditions:

(a) No person shall prescribe, administer, dispense, or sell under the exemptions of this Section, to any one person, or for the use of any one person or animal, any preparation or preparations included within this Section, when he knows, or can by reasonable diligence ascertain, that such prescribing, administering, dispensing, or selling will provide the persons to whom or for whose use, or the owner of the animal for the use of which, such preparation is prescribed, administered, dispensed, or sold, within any forty-eight (48) consecutive hours, with more than four (4) grains of opium, or more than one half ($\frac{1}{2}$) grain of morphine or of any of its salts, or more than two (2) grains of codeine or of any of its salts, or more than one-quarter ($\frac{1}{4}$) of a grain of heroin or of any of its salts, or will provide such person or the owner of such animal, within forty eight (48) consecutive hours, with more than one preparation exempted by this Section from the operation of this Act.

(b) The medicinal preparation, or the liniment, ointment, or other preparation susceptible of external use only, prescribed, administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone. Such preparation shall be prescribed, administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this Act.

Nothing in this Section shall be construed to limit the kind and quantity of any narcotic drug

that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this Act. Laws 1935, p. 52, § 8.

¹ Sections 401-424 of this title.

Poisons ☞2.

§ 409. Records of transactions.—Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs, received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this sub-section if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients.

Provided: That no record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient, when the amount administered, dispensed or professionally used for that purpose does not exceed in any forty-eight (48) consecutive hours, (a) four (4) grains of opium, or (b) one-half ($\frac{1}{2}$) of a grain of morphine or of any of its salts, or (c) two (2) grains of codeine or of any of its salts, or (d) one-fourth ($\frac{1}{4}$) of a grain of heroin or of any of its salts, or (e) a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

(2) Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of sub-section 5, of this Section.

(3) Apothecaries shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of sub-section 5 of this section.

(4) Every person who purchases for resale, or who sells narcotic drug preparations exempted by Section 8, of this Act,¹ shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise, in accordance with the provisions of sub-section 5, of this Section.

(5) The form of records shall be prescribed by the State Board of Health. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced. The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed, and the kind and quantity of drugs. Every such record shall be kept for a period of two (2) years from the date of the transaction recorded. The keeping of a record required by or under the Federal Narcotic Laws, containing substantially the same information as is specified above, shall constitute compliance with this Section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft. Laws 1935, p. 53, § 9.

¹ Section 408 of this title.

Poisons ☞2.

§ 410. Labels.—

(1) Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him, he shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person, except an apothecary for the purpose of filling a prescription under this Act,¹ shall alter, deface, or remove any label so affixed.

(2) Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, or veterinarian, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name, address, and registry number, or the name, address, and registry number of the apothecary for whom he is lawfully acting; the name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal; the name, address, and registry number of the physician, dentist, or veterinarian, by whom the prescription was written; and such directions as may be stated on the prescription.

No person shall alter, deface, or remove any label so affixed. Laws 1935, p. 54, § 10.

¹ Sections 401-424 of this title.
Poisons ↪2.

§ 411. Patients and owners of animals—Possession only in original container.—A person to whom or for whose use any narcotic drug has been prescribed, sold, or dispensed, by a physician, dentist, apothecary, or other person authorized under the provisions of Section 5, of this Act¹ and the owner of any animal for which any such drugs has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same. Laws 1935, p. 54, § 11.

¹ Section 405 of this title.
Poisons ↪2.

§ 412. Common carriers and warehousemen—Public officers and employees—Temporary inci-

dental possession.—The provisions of this Act¹ restricting the possession and having control of narcotic drugs shall not apply to common carriers or to warehousemen, while engaged in lawfully transporting or storing such drugs, or to any employee of the same acting within the scope of his employment; or to public officers or their employees in the performance of their official duties requiring possession or control of narcotic drugs; or to temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties. Laws 1935, p. 54, § 12.

¹ Sections 401-424 of this title.
Poisons ☞2.

§ 413. Places constituting common nuisances—Keeping prohibited.—Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by narcotic drug addicts for the purpose of using narcotic drugs or which is used for the illegal keeping or selling of the same, shall be deemed a common nuisance. No person shall keep or maintain such a common nuisance. Laws 1935, p. 54, § 13.

Poisons ☞2.

§ 414. Forfeiture and disposition of drugs not lawfully possessed—Title not ascertainable.—All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited, and disposed of as follows:

(a) Except as in this Section otherwise provided, the court or magistrate having jurisdiction shall order such narcotic drugs forfeited and destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place, and manner of destruction, shall be kept, and a return under oath, reporting such destruction, shall be made to the court or magistrate and to the United States Commissioner of Narcotics, by the officer who destroys them.

(b) Upon written application by the State Health Commissioner, the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivative, to said State Health Commissioner for distribution or destruction, as hereinafter provided.

(c) Upon application by any hospital within this State, not operated for private gain, the State Health Commissioner may in his discretion deliver any narcotic drugs that have come into his custody by authority of this Section to the applicant for medicinal use. The State Health Commissioner may from time to time deliver excess stocks of such narcotic drugs to the United States Commissioner of Narcotics, or may destroy the same.

(d) The State Health Commissioner shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities, and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered, and destroyed; and the dates of the receipt, disposal, or destruction, which record shall be open to inspection by all Federal or State officers charged with the enforcement of Federal and State Narcotic Laws. Laws 1935, p. 54, § 14.

Forfeitures 4.

§ 415. Convictions—Copy sent licensing board—Suspension or revocation of license—Reinstatement.
—On the conviction of any person of the violation of any provision of this Act,¹ a copy of the judgment and sentence, and of the opinion of the court or magistrate, if any opinion be filed, shall be sent by the clerk of the court, or by the magistrate, to the board or officer, if any, by whom the convicted defendant has been licensed or registered to practice his profession or to carry on his business. On the conviction of any such person, the court may, in its discretion, suspend or revoke the license or registration of the convicted defendant to practice his profession or to carry on his business. On the application of any person whose license or registration has been sus-

pendent or revoked, and upon proper showing and for good cause, said board or officer may reinstate such license or registration. Laws 1935, p. 55, § 15.

Poisons ➡2.

§ 416. Inspection of prescriptions, orders and records—Information not to be divulged.—Prescriptions, orders, and records, required by this Act,¹ and stocks of narcotic drugs, shall be open for inspection only to federal, state, county, and municipal officers, whose duty it is to enforce the laws of this State or of the United States relating to narcotic drugs. No officer having knowledge by virtue of his office of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, order, or records relate is a party. Laws 1935, p. 55, § 16.

¹ Sections 401-424 of this title.

Poisons ➡2.

§ 417. Fraud, forgery, etc.—Communication to physician not privileged—False statements—False impersonation—Application of section.—

(1) No person shall obtain or attempt to obtain a narcotic drug, or procure or attempt to procure the administration of a narcotic drug, (a) by a fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address.

(2) Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall wilfully make a false statement in any prescription, order, report, or record, required by this Act.¹

(4) No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of,

or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(5) No person shall make or utter any false or forged prescription or false or forged written order.

(6) No person shall affix any false or forged label² to a package or receptacle containing narcotic drugs.

(7) The provisions of this Section shall apply to all transactions relating to narcotic drugs under the provisions of Section 8, of this Act,³ in the same way as they apply to transactions under all other sections. Laws 1935, p. 55, § 17.

¹ Section 4001-424 of this title.

² Probably should read "label."

³ Section 408 of this title.

Indictment and information. Ex parte Keel. 71, P. 2d 313.

Poisons ☞2.

§ 418. Exceptions, etc., need not be negative—Burden of proof.—In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provisions of this Act,¹ it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this Act, and the burden of proof of any such exception, excuse, proviso, or exemption, shall be upon the defendant. Laws 1935, p. 55, § 18.

¹ Sections 401-424 of this title.

Indictment and information.—Alexander v. State, 24 Okl.Cr. 435, 218 P. 543; Carr v. State, 25 Okl.Cr. 289, 220 P. 479; Smith v. State, 32 Okl.Cr. 247, 240 P. 656; McDaniels v. State, 36 Okl.Cr. 313, 253 P. 1041.

Poisons ☞9.

§ 419. Enforcement—Duties of Board of Health, County Attorneys and Peace Officers.—It is hereby made the duty of the State Board of Health, its officers, agents, inspectors, and representatives, and of all peace officers within the State, and of all county attorneys, to enforce all provisions of this Act,¹ except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this State, and of all other states, relating to narcotic drugs. Laws 1935, p. 56, § 19.

¹ Sections 401-424 of this title.

Poisons ☞2.

§ 420. Violations of act—Punishment.—Any person violating any provision of this Act¹ shall upon conviction be punished, for the first offense, by a fine not exceeding One Thousand (\$1,000.00) Dollars, or by imprisonment for not exceeding two (2) years, or by both such fine and imprisonment, and for any subsequent offense, by a fine not exceeding Five Thousand (\$5,000.00) Dollars, or by imprisonment for not exceeding three (3) years, or by both such fine and imprisonment. Laws 1935, p. 56, § 20.

¹ Sections 401-424 of this title.

Penalty. Callahan v. State, 42 Okl.Cr. 425, 276 P. 494; Scruggs v. State, 34 Okl.Cr. 97, 244 P. 838; Smith v. State, 32 Okl.Cr. 247, 240 P. 656; Ex parte Clarke, 30 Okla.Cr. 259, 236 P. 66.

Instructions.—Callahan v. State, 42 Okl.Cr. 425, 276 P. 494; Baker v. State, 36 Okl.Cr. 328, 254 P. 512; Brady v. State, 36 Okl.Cr. 325, 254 P. 513.

Poisons ☞9.

§ 421. Acquittal or conviction under Federal law as defense.—No person shall be prosecuted for a violation of any provision of this Act¹ if such person has been acquitted or convicted under the Federal Narcotic Laws of the same act or omission which, it is alleged, constitutes a violation of this Act. Laws 1935, p. 56, § 21.

¹ Sections 401-424 of this title.

Poisons ☞9.

§ 422. Partial invalidity, effect of.—If any provision of this Act¹ or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable. Laws 1935, p. 56, § 22.

¹ Sections 401-424 of this title.

Statutes ☞64 (2).

§ 423. Construction to effectuate general purpose.—This Act¹ shall be so interpreted and construed as to effectuate its general purpose, to make uniform the laws of those states which enact it. Laws 1935, p. 56, § 23.

¹ Sections 401-424 of this title.

Poisons ☞2.

§ 424. Citation of Act.—This Act¹ may be cited as the Uniform Narcotic Drug Act. Laws 1935, p. 56, § 25.

¹ Sections 401-424 of this title.

Poisons ☞2.

MARIHUANA

451. Sale, growth or possession.—It shall be unlawful for any person, or any officer or employee of any firm, corporation or association to plant, cultivate, protect, harvest, cure, prepare, barter, sell, give away, or use, or offer to sell, furnish or give away, or to have in his or their possession Marihuana, botanically known as *Cannabis Sativa*, *Cannabis Indica*, commonly called Indian Hemp, Mexican Hemp, Marihuana, Muggles Mooter, or any drug or preparation made from any species or variety of the botanical genus *Cannabis* or any compound derivative or preparation of the above mentioned plant, or to prepare for smoking purposes, or prepare or supply any effusion or concoction of *Cannabis*; Provided, it shall not be unlawful to barter, sell, furnish or give away the bast fibres alone, or any cloth, cordage, rope or other materials compounded of the bast fibres alone of these plants; provided, further, that it shall not be unlawful for any licensed pharmacist to have in his possession any of the said drug or derivative of said plants for sale upon the written prescription of a physician, osteopathic surgeon, dentist, or veterinary surgeon, licensed to practice in this State. Laws 1933, ch. 24, p. 53, § 1.

Poisons ☞2.

§ 452. Violation of act a felony—Punishment.—Any person or any officer or employee of any firm, corporation or association violating the provisions of Section 1 of this Act¹ shall be guilty of a felony, and shall be fined not more than Five Thousand (\$5,000.00) Dollars,, or shall be imprisoned not more than seven (7) years, or by both such fine and imprisonment. Laws 1933, ch. 24, p. 54, § 2.

¹ Section 451 of this title.

Poisons ☞4, 9.

Chapter 11 — Sanitation of Jails and Poorhouses Sec.

471. County jails.

472. City jails.

473. Town jails.

474. Authority of Commissioner of Charities.

475. Contagious disease—isolation.

476. Isolation of prisoners having contagious disease—jail construction.

477. Sanitation of poorhouses.
478. Copies of law to be posted.
479. Violations—penalty.

§ 471. **County jails.**—It shall be the duty of the county commissioners of each county in the State of Oklahoma to furnish supplies and cause the walls of county jails to be thoroughly white-washed, the cells freshly coated with paint and the windows and floors thoroughly scrubbed, the bedding cleansed and disinfected and the jail thoroughly cleansed; and this duty shall be performed during the first week of each quarter of the year, beginning with January. R. L. 1910, § 6977.

Laws 1910, P. 167; C.S. 1921, § 8938; St.1931, § 3310.
Prisons 4.

§ 472. **City Jails.**—It shall be the duty of mayors of cities during the first week of each quarter of the year, beginning with January, to see that supplies are provided and to have the walls of the city jails whitewashed or painted and cleansed and the cells painted, the bedding disinfected, and the windows and floors thoroughly scrubbed. R. L. 1910, § 6978.

Laws 1910, P. 168; C.S. 1921, § 8939; St.1931, § 3311.
Prisons 4.

473. **Town Jails.**—It shall be the duty of mayors of all other towns to supply the material for and, at least twice a year, during the first week of January and July, to cause the jails or holdovers of their respective towns to be thoroughly disinfected, the walls to be whitewashed or painted, the bedding to be disinfected and cleansed and the floors and windows to be thoroughly scrubbed. R. L. 1910, § 6979.

Laws 1910, P. 168; C.S. 1921, § 8940; St.1931, § 3312.
Prisons 4.

474. **Authority of Commissioner of Charities.**—Should any of the said jails or holdovers become unsanitary in the opinion of the Commissioner of Charities and Corrections, such officer shall have authority to direct that such buildings shall be cleansed or put in a sanitary condition, and may direct the respective officers above specified to cause same to be done, whether it be at the times mentioned in the foregoing sections¹ or at any

other time. R. L. 1910, § 6980.

¹ Sections 471-473 of this title.

Laws 1910, P. 168; C.S. 1921, § 8941; St. 1931, § 3313.
Prisons 4.

§ 475. **Contagious disease—Isolation.**—Should any prisoners in any county or city jail or holdover complain of illness, the county or city physician, whose duty it may be to attend such prisons, shall be summoned, and if such prisoner should be found to have a contagious disease, he shall be immediately removed and isolated to some room or place having no connection with the other prisoners. R. L. 1910, § 6981.

Laws 1910, P. 168; C.S. 1921, § 8942; St. 1931, § 3314.
Construction and application.—Hunt v. Rowton, 143 Okl.-181, 288 P. 342.

Failure of health superintendent to remove smallpox patient from jail did not relieve sheriff from liability for death of another contracting disease. Hunt v. Rowton, 143 Okl. 181, 288 P. 342.

44 A.L.R. 1285; Prisons 13.

§ 476. **Isolation of prisoners having contagious disease—Jail construction.**—It shall be the duty of officials who construct jails, city prisons or holdovers to provide a room for the segregation of prisoners who may be found to have a contagious disease. R. L. 1910, § 6982.

Laws 1910, P. 168; C.S. 1921, § 8943; St. 1931, § 3315.
Construction and application.—Hunt v. Rowton, 143 Okl.-181, 288 P. 342.
Prisons 17.

§ 477. **Sanitation of poorhouses.**—The County Commissioners of the several counties shall provide the necessary supplies and cause the poorhouses of their respective counties to be thoroughly cleansed and disinfected, as provided for jails in the foregoing sections,¹ and such cleansing shall take place at least twice a year, and oftener if so directed by the Commissioner of Charities and Corrections. R. L. 1910, § 6983.

¹ Sections 471-476 of this title.

Laws 1910, P. 169; C.S. 1921, § 8944; St. 1931, § 3316.
Paupers 9.

§ 478. **Copies of law to be posted.**—It shall be the duty of the Commissioner of Charities and Corrections to furnish the sheriffs of the several counties with copies of this article,¹ and said sheriffs shall cause the same to be posted in all jails, holdovers and poorhouses in their counties. R. L. 1910, § 6984.

¹ R.L. 1910, ch. 67, art. 11, sections 471-479 of this title.
Laws 1910, P. 169; C.S. 1921, § 8945; St. 1931, § 3317.
Paupers 9; Prisons 4.

§ 479. Violations—Penalty.—Any official failing in any duty prescribed by the provisions of this article¹ shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in any sum not less than ten dollars nor more than five hundred dollars, and in addition thereto may be removed from office. R. L. 1910, § 6985.

¹ R.L. 1910, ch. 67, art. 11, sections 471-479 of this title. Laws 1910, P. 169; C.S. 1921, § 8946; St. 1931, § 3318. Paupers Ⓒ15; Prisons Ⓒ10.

Chapter 12—Tuberculosis

TUBERCULAR HOSPITAL AT SUPPLY

Sec.

- 491. Hospital established and located.
- 492. Board of Affairs to control—management.
- 493. Patients admitted—expense of transfer.
- 494. Separate cottages provided.
- 495. Maintenance.

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- 501. Tuberculosis declared dangerous.
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- 516a. Co-operative Health Department without regard to co-ordination (New).
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State Board of Health, duties and powers

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NEGRO PATIENTS

- 531. State tubercular sanatorium—lands and building.
- 532. Erection of ward buildings at Clinton Sanatorium—transfer and apportionment of equipment.

TUBERCULAR HOSPITAL AT SUPPLY

§ 491. Hospital established and located.—There is hereby established a hospital, to be known as the State Tubercular Hospital, same to be built on the cottage plan, and located on the lands belonging to the State, near Supply, in Woodward County, on which the Oklahoma Hospital for Insane¹ is now located. Laws 1917, ch. 171, p. 303, § 1.

¹ Western Oklahoma Hospital at Supply. See section 52 of title 35, Insane and Feeble Minded persons.

C.S. 1921, § 8955; St. 1931, § 5288.

Hospitals ↪2.

§ 492. Board of Affairs to control—Management.—Said Tubercular Hospital to be under the supervision and control of the State Board of Public Affairs and under the same management as Oklahoma Hospital for the Insane at Supply.¹ Laws 1917, ch. 171, p. 303, § 2.

¹ See note to section 491 of this title.

C. S. 1921, § 8956; St. 1931, § 5289.

Hospitals ↪3.

§ 493. Patients admitted—Expense of transfer.—Any person a citizen of the State of Oklahoma, or any person who is a charge on the State, who are confined in any of the penal or eleemosynary institution of the State, afflicted with tuberculosis, are eligible to admission to said Tubercular Hospital, provided such admissions are approved by the State Board of Health, who will issue a certificate covering each admission to the State Board of Public Affairs, and provided further, that all expenses for transferring such persons from the said penal or eleemosynary institutions to the hospital are defrayed by the institution making the transfer. Laws 1917, ch. 171, p. 304, § 3.

C. S. 1921, § 8957; St. 1931, § 5290.

Hospitals ↪5.

§ 494. Separate cottages provided.—It is hereby further provided, that the men and women who are

admitted to the State Tubercular Hospital are to be kept in separate cottages or buildings, with no communication between same, and that such persons who are admitted to said hospital from either of the penal institutions of the State, must be confined in separate buildings from other inmates, under the same rules, regulations and restrictions as now prevail in the penal institutions of the State. Laws 1917, ch. 171, p. 304, § 4.

C. S. 1921, § 8958; St. 1931, § 5291.
Hospitals 5.

§ 495. **Maintenance.**—Appropriations heretofore or hereafter mad¹ for the support and maintenance of the Hospital for the Insane at Supply,² are hereby made available for the support and maintenance of said Tubercular Hospital. Laws 1917, ch. 171, p. 304, § 6.

¹ Probably should read "made."

² See note to section 491 of this title.

C. S. 1921, § 8960; St. 1931, § 5293.
Hospitals 2.

TUBERCULOSIS SANATORIA AND RELATED MATTERS

§ 501. **Tuberculosis declared dangerous.**—Tuberculosis is hereby declared to be dangerous to the public health. Laws 1919, ch. 234, p. 331, § 1.

C. S. 1921, § 8961; St. 1931, § 5273.
Health 23.

§ 502. **Duties of state board of health.**—The State Board of Health shall supervise the prevention, treatment and cure of tuberculosis and the collection of counties and the governing body of all instructions in regard thereto, as hereinafter provided for. Laws 1919, ch. 234, p. 331, § 2.

C. S. 1921, § 8962; St. 1931, § 5274.
Health 6.

§ 503. **Sanatoria established.**—For the purpose of treatment of patients afflicted with the disease of tuberculosis, there are hereby established three state tuberculosis sanatoria to be located, constructed and operated as hereinafter provided, with a minimum capacity of one hundred beds each. Laws 1919, ch. 234, p. 331, § 3.

C. S. 1921, § 8963; St. 1931, § 5275.
Hospitals 2.

§ 504. **Location of sanatoria—Acquisition of lands.**—Within thirty days after the passage and approval

of this Act, the State Commissioner of Health shall district and divide the State of Oklahoma into three districts as nearly equal as may be in population, and shall select in each district a location for a state tuberculosis sanatorium, which shall be as near the center of the district as possible, with due regard to accessibility from all parts of the district. The State Board of Affairs, with the approval of the Governor, is hereby authorized to accept in the name of the State a grant or conveyance of suitable lands for such sanatoria, and any other gifts or endowments for the support thereof; and if such suitable lands cannot be secured by grant or donation, shall have the power to purchase the same or to condemn the same in the name of the State; provided, that any and all lands donated, granted, conveyed, or given to the State for the purposes of carrying into effect the provisions of this Act,¹ shall be in fee simple. Laws 1919, ch. 234, p. 331, § 4.

¹ Sections 501-512, of this title.

C. S. 1921, § 8964; St. 1931, § 5276.

17 A.L.R. 523; 18 A. L. R. 122; Hospitals ¶2.

§ 505. Appropriations—Construction of sanatoria
Rules and regulations.—For the purpose of the construction of three district state sanatoria, equipping and furnishing the same, there is hereby appropriated out of the Public Building Fund, not otherwise appropriated, the sum of Fifty Thousand Dollars (\$50,000.00), or so much thereof as may be necessary for the purpose of building and equipping one sanatoria for the benefit of the negro race and the sum of One Hundred Thousand Dollars (\$100,000.00) is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of buildings and equipping one sanatoria for the white race said sum to be available during the fiscal year ending June 30, 1920, and the sum of One Hundred Thousand Dollars, (\$100,000.00) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of building and equipping one sanatoria, for the white race said sum to be available during the fiscal year ending June 30, 1921. The State Board of Affairs is hereby empowered to purchase or let the contracts and arrange for the construction of said three district

sanatoria upon plans and specifications approved by the State Commissioner of Health, and for the equipment and furnishing thereof, and the State Board of Health shall promulgate necessary rules and regulations for the control and management of said sanatoria, not inconsistent with this Act.¹ Laws 1919, ch. 234, p. 331, § 5.

¹ Sections 501-512 of this title.

C. S. 1921, § 8965.

Hospitals ↪2.

§ 506. Management of sanatoria.—Said state tuberculosis sanatoria shall be under the joint supervision of the State Board of Public Affairs and the State Board of Health; the State Board of Public Affairs shall have supervision of the fiscal and business affairs of the said institutions, and the State Board of Health shall have supervision of the admission, treatment and discharge of the inmates thereof. Laws 1919, ch. 234, p. 232, § 6.

C. S. 1921, § 8966; St. 1931, § 5277.

Hospitals ↪2.

§ 507. Bureau of tuberculosis.—There is hereby created a Bureau of Tuberculosis in the State Department of Health, consisting of a chief physician, who shall be appointed by the State Commissioner of Health, with the consent and approval of the Governor. The chief physician shall receive a salary of three thousand dollars (\$3,000.00) per annum, payable monthly, and shall be an expert in the prevention and treatment of tuberculosis, and shall be skilled and shall have had experience in sanatorium construction and management. Laws 1919, ch. 234, p. 332, § 7.

C. S. 1921, § 8967; St. 1931, § 5278.

Health ↪7.

§ 508. (1945) Superintendents of sanatoria—Assistant superintendents, nurses and help.—There shall be appointed by the State Commissioner of Health, a Superintendent of each sanatorium who shall be a qualified physician, and who shall devote his entire time to the duties of his office, and who shall receive a salary of not to exceed Forty Eight Hundred Dollars ((\$4,800.00) per annum, payable monthly, together with room and board while residing at said sanatorium, which salary shall be fixed and determined by the State Board of Public Affairs. The Superintendent of each Sanatorium shall appoint such assistant superintendents and

nurses and help as may be necessary and authorized by law, including a public health nurse who shall visit tubercular patients in the various counties within the district and shall perform such other duties as are provided by the sanatorium Superintendent. Said Superintendent is also authorized to employ any medical help which he finds to be necessary to properly care for the patients in the sanatorium and to fix their compensation. As amended Laws 1943, p. 149, § 1.

Effective on approval March 22, 1943.

Positions and salaries under 1945 Law, see section 284 of title 74, State Officers and Employees.

§ 509. Patients admissable to sanatoria—Payments by patients financially able—Admission of others on request.—Said sanatoria herein provided for shall be open to the treatment of all residents and citizens of this State afflicted with tuberculosis; such patients as shall be financially able shall pay for board and room in such amount as may be fixed by the State Board of Health; all other patients shall be admitted upon request of the County Health Physician, Public Health Nurse of the Sanatorium or the State Board of Health; provided, this Act¹ shall apply to all bona fide residents of the State of Oklahoma at the time of the taking effect of this Act, and as to all others, a bona fide residence of at least twelve months in the State shall be necessary to constitute a resident within this Act. Laws 1919, ch. 234, p. 332. § 9. Laws 1835, p. 100, § 1.

¹ Sections 501-512 of this title.

C. S. 1921, § 8969; St. 1931, § 5280.

Constitutional provisions. St. Louis- San Francisco Ry. Co. v. Morris, 143 Okl. 160, 228 p. 306; in re Protest of St. Louis-San Francisco Ry. Co.; 143 Okl. 145, 288 p. 307. Hospitals 5.

§ 510. County tax levy for purposes of act—Designation of fund.—For the purpose of defraying the expense of transportation of patients afflicted with tuberculosis at the district sanatoria herein provided for, and care of tuberculosis patients in their respective counties and for the prevention of conditions that are predisposing causes of tuberculosis and other devastating diseases, the prevention and control of epidemics, the promotion of the public health or for the expenses of a county department of health and for the compensation of its employees, the excise board of each county, is

authorized to make an annual levy upon all property in the county, subject to taxes, on an ad-valorem basis, of not exceeding one mill per annum, which is hereby declared not to be a current expense and to be for a special purpose, known as "Tuberculosis and Public Health Fund," in addition to the maximum levy for current expenses now provided by law. Laws 1919, ch. 234, p. 333, § 10. Laws 1929, ch. 283, p. 410, § 1; Laws 1935, p. 100, § 2.

C.S.1921, § 8970; St.1931, § 5281.

Validity prior to amendment. *Lowden v. Seminole County Excise Board*, 185 Okl. 428, 93 P. 2d 746; *Protest of Chicago, R.I.&P. Ry. Co.*, 164 Okl. 118, 23 P. 2d 157; *Protest of Chicago, R.S.&P. Ry. Co.*; 164 Okl. 114, 23 P. 2d 158; *Protest of Oklahoma Pipe Line Co.*; 168 Okl. 231, 32 P. 2d 719; *St. Louis-San Francisco Ry. Co. v. Morris*, 143 Okl. 160, 288 P. 306.

Tax Levy, validity of. *Alford V. Bonaparte*, 125 Okl. 164, 256 P. 935; *Simmons v. Stuckey*, 113 Okl. 200, 241 P. 124. Counties ↪192.

§ 511. Patients from other districts—Change of boundaries of districts.—The State Commissioner of Health is hereby authorized, in the event that the capacity of any district sanatorium is not sufficient to accomodate tuberculosis patients of that district, to admit patients therefrom to any other district sanatorium, and to change the boundaries of any district. Laws 1919, ch. 234, p. 33, § 11.

C. S. 1921, § 8971; St. 1931, § 5286.

Hospitals ↪5.

§ 512. FREE DISPENSARIES.—The Superintendent of each district sanatorium is hereby authorized to arrange for the establishment of free tuberculosis dispensaries at centrally located places within the district, where patients may come for examination by the district superintendent and public health nurse. Laws 1919, ch. 234, p. 33, § 12.

C. S. 1921, § 8972; St. 1931, § 5287.

Hospitals ↪2.

§ 513. Manner of expenditure of levy—Duties of County Superintendent of public health—Compensation.—All of the levy referred to in Section 1 of this Act¹ except that part which is for the transportation of patients in the district sanatoria, shall be expended in a manner formulated and approved by the State Board of Health. The county superintendent of public health shall, in addition to his duties heretofore approved by law, perform all such services as are necessary to carry out the provisions of this Act² and shall be paid in addition

to the compensation now provided by law, for the county superintendent of public health, for said additional services, such salary of³ fees out of the above portions of said levy, set apart for that purpose as may be agreed upon and found necessary by the State Board of Health and the county commissioners of the respective counties of this State. Laws 1939, ch. 283, p. 410, § 2; Laws 1935, p. 100, § 3.

¹ Section 510 of this title.

² Section 510, 513- 516 of this title.

³ Probably should read "or."

St. 1931, § 5282.

Construction and application. Lowden v. Seminole County Excise Board.

185 Okl. 428, 93 P. 2d 746; Dorrough v. Board Comm'rs. of Carter County, 179 Okl. 109, 64 P. 2d 851. Counties ↪ 195.

§514. Health districts— Formation— Authority.—

Two or more counties of this State may combine themselves into a health district, with the approval of the State Board of Health, for the purpose of carrying out the provisions of Section 1 and 2 of this Act,¹ and such counties shall have authority to use their respective "Public Health and Tuberculosis Fund" as provided in Section 2 of this Act, in proportion to their respective ability to pay and mutual agreement to expend. The method of the expenditure of the funds of said health districts shall be approved by the State Board of Health. Laws 1929, ch. 283, p. 411, § 3.


¹ Sections 510, 513 of this title.

St. 1931, § 5283.

Health ↪ 4.

§ 515. District Superintendents of Health—Designation, authority and duties.—Wherever counties have formed a health district as provided in Section 1 of this Act,¹ one superintendent of health appointed by the State Board of Health, who shall be known as "District Superintendent of Health" may, at the discretion of the State Board of Health, and with the approval of the boards of county commissioners of the counties comprising the district, be designated to serve the entire district in lieu of county superintendents of health for the respective counties and said district superintendent of health shall act as the county superintendent of health of each county, and shall have the authority, responsibility and duties of county superintendents of public health for the counties in said dis-

tricts, as now provided by law. Laws 1929, ch. 283, p. 411, § 4.

¹ Section 510 of this title.
St. 1931, § 5284.
Health 7.

§ 516. Cooperative health departments. — Any county or counties organized as provided in Section 2 and 4 of this Act,¹ may form cooperative health departments with any city or cities within their borders, and may combine their funds with the funds of such city or cities to be expended for the purposes set forth in this Act,² and as provided in the above section. Such cooperative health departments shall be formed only with the approval of the State Board of Health. The board of county commissioners of any county in this state may and they are hereby authorized to cooperate with the State Board of Health, or any other agency promoting the public health that may be recommended by said State Board of Health, under such rules as such contributing agency and the State Board of Health and said board of county commissioners may agree upon, and the funds herein referred to and named may be used in such work. Laws 1929, ch. 283, p. 411, § 5.

¹ Sections 513-515 of this title.

² Sections 510-513-516 of this title.

St. 1931, § 5285.

Health 8.

§ 516a. Co-operative health department without regard to co-ordination.—Any county in this State having a county department of health (63 O. S. 1941, § 510), whether co-ordinated with other counties to comprise a Health District (63 O. S. 1941, § 514) or not, may form a Co-operative Health Department, such as is provided by Section 516 of Title 63, Oklahoma Statutes 1941, with the cities, towns, schools districts, and boards of education. or any of them, within such county, for the purposes set forth in Section 510 of Title 63, Oklahoma Statutes 1941, by agreement between them and the board of commissioners of such county and with the approval of the State Board of Health. The several dependent school district boards are hereby authorized to empower their county superintendent of public instruction, by resolution naming the amount of contribution, to represent them in such agreement and on their behalf, provided, nothing in this Act¹

shall prevent citizens of this State from a free choice of any practitioner of the healing arts who is licensed to practice his profession in the State of Oklahoma. Added Laws 1945, p. 242, § 1.

1 Sections 516a-516c of this title.

Effective on approval April 24, 1945.

Section 4 of the Act of 1945 read as follows: "The preceding sections of this Act shall be coded under Title 63, Oklahoma Statutes, and numbered respectively as § 516a, § 516b, §516c, etc. This section shall not be coded."

Title of Act:

An act relating to the promotion of public health, authorizing any county to form a Co-operative Health Department with the cities, towns, school districts and boards of education within its borders with the approval of the State Board of Health; authorizing and providing for combining funds appropriated for health purposes to be expended for purposes already provided by law for promotion of public health under direction of the State Board of Health; assigning code numbers; and declaring an emergency. Laws 1945, p. 242.

§ 516b. Combining funds — Administration of health service.—Where such Co-operative Health Department has been formed, the funds of the county appropriated for the purposes of and under authority of, Section 510 of Title 63, Oklahoma Statutes 1941, shall be augmented by combining therewith the funds appropriated for health service by such co-operative governmental units within such county, to the extent committed by the agreement, but only after the county treasurer shall have received, and sold for not less than face value, or cashed, the warrant or warrants to the county for contribution, deposited the proceeds to the credit of the fund account of the county out of which its expenditures for such purpose are made, and the increase to appropriations for such purposes by the amount of such deposit and according to the terms of the agreement have been approved by the county excise board. No publication thereof shall be required; and the jurisdiction of the excise board shall be limited in such instances to the terms of the agreement and the verification of deposit. Such warrant of the contributing co-operative governmental agency may issue, to the extent of

appropriation for health service that has become final, or such portion thereof as conforms to the agreement, in payment of claim on behalf of the county by the head of the County Co-operative Health Department, detailed as per the agreement, and verified by the chairman of the board of county commissioners. Funds received from any other agency promoting the public health that may be recommended by the State Board of Health may, if such agency agree, be combined in the same manner. But no estimate of revenue to be derived from such contributions, by governmental cooperatives or otherwise, shall be made in the county budget at the beginning of any fiscal year; but the contributions under agreement for such new fiscal year shall subsequently be combined therewith as aforesaid. Administration of health service shall subsequently be combined therewith as aforesaid. Administration of health service shall be completely under the control of the State Board of Health, the County Co-operative Health Department shall have the status of a county department under the statutes, claims filed for payment by the board of county commissioners shall be in conformity with statute and in accord with the agreement, and the funds herein referred to and named shall be used in such work. Added Laws 1945, p. 242, § 2.

§ 516c. Provisions cumulative.—The within and foregoing provisions of this Act¹ shall be cumulative with all procedures now provided by law for prevention of conditions that are predisposing causes of devastating diseases, prevention and control of epidemics, and the promotion of the public health, contained in Chapter 12, Title 63, Oklahoma Statutes 1941, and in Section² 1125, 1125a, 1125b, and 1125c, of Title 70, Oklahoma Statutes 1941. Added laws 1945, p. 243, § 3.

¹ Sections 516a-516c of this title.

² Probably should read "sections."

NEGRO PATIENTS

§ 531. State tubercular sanatorium—Lands and buildings.—The land and buildings are set apart and dedicated for the establishment of the negro boys training school in accordance with the pro-

visions of House Bill No. 323;¹ provided, said institution shall not be closed until suitable provision has been made for the care of the patients at the sanatorium located at Clinton, Oklahoma. Laws 1925, ch. 152, p. 242, § 1.

¹ Laws 1925, ch. 178, § 282. Section 292 of Title 10, Children.
St. 1931, § 5234.
Hospitals 2.

§ 532. Erection of ward building at Clinton sanatorium—Transfer and apportionment of equipment.
—The State Board of Public Affairs is hereby authorized and directed to erect a ward building for the care of negro patients at the sanatorium located at Clinton, Oklahoma, to be under the management and control of the said sanatorium located at Clinton, Oklahoma and to transfer all patients at the said sanatorium located at Boley, Oklahoma, to the sanatorium located at Clinton, Oklahoma, together with all supplies and equipment of all kinds, including dairy cattle, poultry, and work stock. Provided: that the State Board of Public Affairs may transfer and apply a part of the said supplies and equipment of all kinds, including dairy cattle, poultry, and work stock, to the use and benefit of the State Training School for Negro Boys, apportioning the said property between the said School and Clinton Sanatorium in manner, selection and proportion as their best interest may require and the greatest degree of economy direct. Laws 1925, ch. 152, p. 242, § 2; Laws 1925, ch. 252, p. 359, § 1.

St. 1931, § 5235.
Hospitals 2.

Chapter 13—Venereal Diseases.

Sec.

- 541. Definition of terms.
- 542. Report and medical treatment required—penalty.
- 543. Marriage or sexual intercourse prohibited—punishment.
- 544. False certificate by physician—penalty.
- 545. Treatment by person other than physician—treatment regardless of ability to pay—penalty.
- 546. Furnishing medicines without prescription—penalty.
- 547. Duties of public and private institutions.
- 548. Public and private institutions—examination and treatment.
- 549. Exposure of records.

- 550. Repealed. See ch. 9, sec. 391.
- 551. Certificate of birth—statement of blood test for syphilis during pregnancy.
- 552.1 Certain diseases declared communicable and and dangerous to health (new).
- 552.2 Rules and regulations (New).
- 552.3 Reports by physicians and heads of institutions (New).
- 552.4 Instruction of patient by physician (New).
- 552.5 Investigation by county and local health authorities—examinations (New).
- 552.6 Protection against infection—quarantine—places for detention (New).
- 552.7 Change of medical advisers—report of conduct exposing others to infection (New).
- 552.8 Cooperation in suppression of prostitution (New).
- 552.9 Certificates of freedom from venereal disease (New).
- 552.10 Publicity not given information and reports (New).
- 552.11 Provisions cumulative—repeals (New).
State Board of Health, duties and powers imposed on State Commissioner of Health, see section 1.3 of this title.


§ 541. **Definition of terms.**—For the purposes of this Act¹ the words “venereal disease” shall include any and all diseases commonly communicable from any person to any other person of the opposite sex through or by means of sexual intercourse and found and declared by medical science or accredited schools of medicine to be infectious, or contagious. All words or phrases using the male or female gender, in this Act, shall be construed to mean and cover the gender of the opposite sex. “Infected person,” as used in this act, shall mean and apply to any person, of either sex, who may be contaminated or afflicted with any venereal disease. The word “dealer,” as used in this act, shall mean and cover any person, firm or corporation who or which may handle, for sale, any medicinal remedies or supposed remedies for venereal diseases, and the agents, clerks and employees of any such person, firm or corporation; and any person, firm or corporation who or which may profess or claim to treat or cure, by the use of medicine or otherwise, any such venereal disease, and their agents, clerks and employees. The word “physician,” as used in this act, shall include reputable physicians who have complied with all the requirements of law regulating the prac-

tice of their respective schools of medicine, and duly licensed by such law to practice medicine in their respective schools, or surgery, or both, and no other person. The word "keeper" as used in this act, shall mean and cover any person or persons in charge or control of any penal or eleemosynary institution whether public or private who may be authorized either by law or by the rules of such institution to receive or discharge any person into or from such institution. Wherever the words "Board of Health" or "Health Officers" appear in this act they should be construed to include the Board of Health and Health Officers of the State, County or Municipality of the State. Laws 1919, ch. 17, p. 31, § 1.

¹ Sections 541-549 of this title.


C. S. 1921, § 9006; St. 1931, § 4487.

Validity.—Ex Parte Roman, 19 Okl. Cr. 235, 199 P. 580.

Health  23.

§ 542. Report and medical treatment required—
Penalty.—It shall be unlawful for any person, being an infected person, to refuse, fail or neglect to report such fact to, and submit to examination and treatment by some reputable physician. Any person violating the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) or not more than Five Hundred Dollars (\$500.00) or by confinement in the county jail for a term of not less than thirty (30) days, nor more than one (1) year, or by both such fine and imprisonment. Laws 1919, ch. 17, p. 32 § 2.

C. S. 1921, § 9007; St. 1931, § 4488.

Health  23, 34.

§ 543. Marriage or sexual intercourse prohibited
—Punishment.—Any person who shall, after becoming an infected person and before being discharged and pronounced cured by a reputable physician in writing, marry any other person, or expose any other person by the act of copulation or sexual intercourse to such venereal disease or to liability to contract the same, shall be guilty of a felony and upon conviction shall be punished by confinement in the penitentiary for not less than one (1) year or not more than five (5) years. Laws 1919, ch. 17 p. 32, § 3.

C. S. 1921, § 9008; St. 1931, § 4489.


Construction and application.—Reynolds v. State, 49 Okl. Cr. 215, 292 P. 1946.

Recovery of damages. Panther v. McKnight, 125 Okl.

134, 256 P. 916.

Information charging that accused communicated venereal disease, to with, Syphilis, to named individual on or about certain date, was sufficient to charge the offense of communicating venereal disease. *Epps v. State*, 69 Okl. Cr. 460, 104 P. 2d 262.


Punishment. *Reynolds v. State*, 49 Okl. 215, 292 P. 1046. Construction and application.—*Ex parte Brown*, Cr. App., 139 P. 2d 196.

Health  23, 37.

§ 544. False certificate by physician—Penalty.—

Any physician who shall, after having knowledge or information that any person is or may be an infected person, sell, give or furnish to such infected person or to any other person for such infected person a discharge from treatment, or written instrument or statement pronouncing such infected person cured, before such infected person is actually cured, of such venereal disease, shall be guilty of a misdemeanor and punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or by confinement in the county jail for a term of not less than thirty (30) days nor more than six (6) months. *Laws 1919, ch. 17, p. 32, 4.*

C. S. 1921, § 9009; St. 1931, § 4490.

Physicians and Surgeons  10.

§ 545. Treatment by person other than physician

Treatment regardless of ability to pay—Penalty.—

Any person who is not a physician, who shall undertake to treat or cure any infected person for pay, whether in money, property or obligation of any kind, unless acting under the direction and control of a physician, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or by confinement in the county jail for a term of not less than thirty (30) days nor more than six (6) months or both such fine and imprisonment; provided, however, that any person infected applying to any physician in this State shall receive the treatment provided for in this bill, regardless of his ability to pay. *Laws 1919, ch. 17, p. 32, § 5.*

C. S. 1921, § 9010; St. 1931, § 4491.

Information must allege that treatment was for pay. *Ray v. Stevenson*, Cr. App., 111 P.2d 824.

Physicians and Surgeons  6.

§ 546. Furnishing medicines without prescription—Penalty.—It shall be unlawful for any dealer to treat or offer to treat any infected person or to

sell, furnish or give to any infected person or to any other person whomsoever any medicine of any kind that may be advertised or used for treatment of venereal diseases before requiring such person to produce and file with such dealer a proper prescription for such medicine issued and signed by a reputable physician, which said prescription shall be by said dealer kept on file for a period of one (1) year from the date of his receiving the same, and subject, at all reasonable hours, to the inspection of the health authorities in this State. A violation of any of the provisions of this Section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or by confinement in the county jail for a term of not less than thirty (30) days and not more than six (6) months or by both such fine and imprisonment. Laws 1919, ch. 17, p. 32, § 6.

C. S. 1921, § 9011; St. 1931, § 4492.
Druggists ☞2.

§ 547. Duties of public and private institutions.—Any and all institutions in this State, whether penal or eleemosynary and whether public or private and free or for pay, shall make and preserve for a period of at least one (1) year, a record showing the name, age, sex, color, nationality and place of residence of all infected persons of the inmates of such institution that may come to their knowledge and shall submit such record at all reasonable hours to the inspection of the duly accredited health authorities in this State. All such institutions shall furnish a physician and all proper medicines, instruments and apparatus for the proper treatment of such infected person, and shall isolate and separate all infected persons from all other persons in such institution by causing such infected persons to use separate beds, rooms, lavatories and toilet rooms and facilities, from all other persons. Any keeper, manager, guard, or other person in control of any such institution who shall wilfully fail or neglect to comply with the provisions of this Section or who shall violate any of the provisions hereof, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00) or by imprisonment in

the county jail for a term of not less than thirty (30) days nor more than one (1) year or by both such fine and imprisonment. Laws 1919, ch. 17, p. 33, § 7.

C. S. 1921, § 9012; St.1931, § 4493.
Health 23.

§ 548. Prisons and penal institutions—Arrested persons—Examination and treatment—Quarantine.—The keeper, manager, guard or person in control of every prison or penal institution in this State, shall cause to be examined every person confined in such prison or penal institution after conviction for any offense, to determine whether such person is an infected person. State and local Health Officers, or their authorized deputies who are physicians, are empowered to examine those who are arrested by lawful warrant for vagrancy, prostitution, rape or other sex crimes for the purpose of determining if they are infected with venereal disease. Every such person shall submit to such examination and permit specimens to be taken for laboratory examinations. Such person may be detained until the results of such examination are known. The required examination shall be made by the Health Officer, or, at the option of the person to be examined, by an approved licensed physician. All persons found to be infected with a venereal disease shall be treated by the local Health Officer or a licensed physician of their own choice until said person is non-infectious or dismissed by said physician. In the event such person infected with a venereal disease refuses or fails to submit to treatment, then said person may be quarantined for the purpose of treatment and reported to the State Board of Health. As amended Laws 1943, p. 149, § 1.

Effective on approval March 18, 1943.

§ 549. Exposure of records.—The prescriptions and records provided for herein to be filed and kept, shall not be exposed to any person other than the duly elected or appointed health authorities of the State, County or Municipalities, or when properly ordered by a court of competent jurisdiction to be used as evidence in such court and no health authority shall be permitted to give any information whatever to any other person concerning any infected person except to appropriate persons for

use in the proper courts of this State. Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor and be punished by a fine of not less than Fifty Dollars (\$50.00) or not more than One Hundred Dollars (\$100.00) and in addition thereto shall be liable in damages to any person who may be damaged by such violation. Laws 1919, ch. 17, p. 34, § 9.

C. S. 1921, § 9014; St.1931, § 4495.

Druggists ☞2; Health ☞34.

§ 550. Repealed. See Ch. 9, Sec. 391.—Laws 1945.

§ 551. Repealed. See Ch. 9, Sec. 392.—Laws 1945.

§ 552.1 **Certain diseases declared communicable and dangerous to health.**—Syphilis, gonorrhea, chancre, granuloma inguinale, and lymphogranuloma venereum, hereinafter designated venereal diseases, are hereby declared to be contagious, infectious, communicable and dangerous to the public health. Laws 1945, p. 243, § 1.

Effective on approval May 5, 1945.

Title of Act:

An Act relating to venereal diseases, defining the same, authorizing the State Commissioners of Health to make and amend rules and regulations for the prevention and cure of same; defining power and duties of physicians in discovery, diagnosis, treatment and transfer of patients; authorizing quarantine, providing that cities and counties may make available means to determine existence, treatment and cure of this contagious and infectious disease; requiring persons diagnosed as having venereal disease to take treatment and be quarantined; providing for keeping of records and making such information inaccessible except when the public good requires same to be disclosed; providing this Act shall be cumulative except when same conflicts herewith and declaring an emergency. Laws 1945, p. 243.

§ 552.2 **Rules and regulations.**—The State Commissioner of Health shall have power to make and amend any and all rules and regulations for the prevention and cure, to prevent the spread of the venereal diseases, which he deems necessary for carrying out of this and all other legislation for the control of venereal diseases, and such rules and regulations shall have the force and effect of law. Laws 1945, p. 243, § 2.

§ 552.3 Reports by physicians and heads of institutions.—Any physician who makes a diagnosis or treats a case of venereal disease, and every superintendent or manager of a hospital dispensary, or charitable or penal institution in which there is a case of venereal disease, shall report such case immediately, in writing, to the State Commissioner of Health or the local health officer in the same manner as other communicable diseases are reported on forms to be prescribed and furnished by the State Commissioner of Health. The name and address of the diseased person need not be stated except as hereinafter specifically required in Section 7,¹ and provided that all information and reports concerning persons having venereal disease shall be held secret in accordance with provisions in Section 10.² Laws 1945, p. 243, § 3.

¹ Section 552.7 of this title.

² Section 552.10 of this title.

§ 552.4 Instruction of patient by physician.—It shall be the duty of every physician, who examines or treats a person having a venereal disease, to instruct him in measures preventing the spread of such disease and of the necessity for treatment until cured. Laws 1945, p. 224, § 4.

§ 552.5 Investigations by county and local health authorities—Examinations.—All city and county health officers or county superintendents of health shall use every available means to ascertain the existence of, and to investigate all cases of venereal diseases within their several territorial jurisdictions, and to ascertain the sources of such infections. County Superintendents of Health and other local health officers are hereby empowered and directed to make such examinations of persons reported two or more times as a source of venereal infection. Laws 1945, p. 244, § 5.

§ 552.6 Protection against infection—Quarantine—Places for detention.—Upon receipt of a report of a case of venereal disease, the local health officer shall institute measures for protection of other persons from infection by such venereally diseased person, as follows:

1. Local health officers and county superintendents of health are authorized and directed to quar-

antine persons who have venereal disease, whenever, in the opinion of said local health officer or the State Commissioner of Health, quarantine is necessary for the protection of the public health. In establishing quarantine, the local health officer shall designate and define the limits of the area in which the person known to have venereal disease is to be quarantined, and no person other than the attending physician and members of the persons immediate family or, if the person is to be quarantined in a hospital or institution, the medical staff and employees, shall enter or leave the area of quarantine without the permission of the local health officer. No one but the local health officer shall terminate said quarantine, and this shall not be done until the quarantined person has become non-infectious, as determined by the local health officer or his authorized deputy through clinical examination and all necessary laboratory tests, or until permission has been given to do so by the State Commissioner of Health.

2. The local health officer shall inform all persons who are about to be released from quarantine for venereal disease, in case they are not cured, what further treatment should be taken to complete their cure. Any person not cured, before being released from quarantine, shall be required to sign the following statement after the blank spaces have been filled to the satisfaction of the health officer:

"I..... residing at..... hereby acknowledge the fact that I am at this time infected with
.....
and agree to place myself under the medical care
of———(name of physician or clinic)———
(address) within———hours, and that I will remain under the treatment of said physician or clinic until released by the health officer of———
or until my case is transferred, with the approval of said health officer, to another regular licensed physician or an approved clinic.

"I hereby agree to report to the health officer within four days after beginning treatment as above

agreed, and will bring with me a statement from the above physician or clinic of the medical treatment applied in my case, and thereafter will report as often as may be demanded of me by the health officer.

"I agree further, that I will take all precautions recommended by the health officer to prevent the spread of the above disease to other persons and that I will not perform any act which will expose other persons to the above disease.

"I agree, until finally released by the health officer, to notify him of any change of address and to obtain his consent before moving my abode outside of his jurisdiction."

(Signature)

(Date)

All such agreements shall be filed with the health officer and kept inaccessible to the public.

The Board of County Commissioners of the various counties and the governing body of all incorporated towns and cities may, and are hereby empowered to provide suitable places for the detention of persons who may be subject to quarantine and who should be segregated for the execution of the provisions of this law.¹ If no place in the county is provided for the detention of persons subject to quarantine and isolation, such persons may be quarantined in a venereal disease hospital or rapid treatment center designated as such by the State Commissioner of Health. Laws 1945, p. 244, § 6.

¹ Sections 552.1-552.11 of this title.

§ 552.7 Change of medical advisers.—Report of conduct exposing others to infection.—When a person applies to a physician or other person for the diagnosis or treatment of a venereal disease, it shall be the duty of the physician or person so consulted to inquire of, and ascertain from, the person seeking such diagnosis or treatment, whether such person has heretofore consulted with, or has been treated, by any other physician or person, and if so, to ascertain the name and address of the physician or person last consulted. It shall be the duty of the physician or other person whom the

applicant consults to notify the physician or other person last consulted of the change of advisors. Should the physician or person previously consulted fail to receive such notice within ten days after the last date upon which the patient was instructed by him to appear, it shall be the duty of such physician or person to report to the local health officer, the name and address of such venereally diseased person.

If an attending physician or other person knows or has good reasons to suspect that a person having a venereal disease is so conducting himself or herself as to expose other persons to infection, or is about to so conduct himself or herself, he shall notify the local health officer of the name and address of the diseased person and the essential facts in the case. Laws 1945, p. 245, § 7.

§ 552.8 Cooperation in suppression of prostitution.—All local and State health officers are directed to cooperate with proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution. Laws 1945, p. 245, § 8.

§ 552.9 Certificates of freedom from venereal disease.—Physicians, health officers, and all other persons are prohibited from issuing certificates of freedom from venereal disease, except in accordance with State laws and the rules and regulations of the State Board of Health. Laws 1945, p. 245, § 9.

§ 552.10 Publicity not given information and reports.—All information and reports concerning persons infected with venereal diseases shall be inaccessible to the public except in so far as publicity may attend the performance of the duties imposed by the laws of the State. Laws 1945, p. 246, § 10.

§ 552.11 Provisions cumulative—Repeals.— The provisions of this Act¹ shall be cumulative except when same conflicts with existing laws. All laws or parts of laws in conflict with the provisions of this act are hereby repealed. Laws 1945, p. 246, § 11.

¹ Sections 552.1-552.11 of this title.

Chapter 14—Vital Statistics

IN GENERAL

- Sec.
- 561. State Commissioner of Health—duties—powers.
 - 562. General supervision of vital statistics—State Registrar of vital statistics.
 - 563. Division of state into districts.
 - 564. Local registrars of vital statistics—deputy and sub-registrars.
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NEW CERTIFICATES OF BIRTH

- Sec.
- 591. When new certificate of birth authorized—form—execution.
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ESTABLISHING PLACE OF BIRTH, PARENTAGE AND AGE (NEW).

- Sec.
- 601. Residents whose birth, etc., not recorded—petition—evidence—judgement.

602. Filing certified copy—issuance of certified copy.

§561. State Commissioner of Health—Duties — Powers.—The State Commissioner of Health shall have charge of the registration of births and deaths; shall prepare the necessary instructions, forms and blanks for obtaining and preserving such records and shall procure the faithful registration of the same in each primary registration district as constituted in Section 3 of this Act,¹ and in the central bureau of vital statistics at the capitol of the State. The said State Commissioner of Health shall be charged with the uniform and thorough enforcement of the law throughout the State, and shall, from time to time, promulgate any additional rules and regulations that may be necessary for this purpose. Laws 1917, ch. 168, p. 276, § 1.

¹ Section 563 of this title.

C.S. 1921, § 8983; St. 1931, § 4496.

Health 84.

§ 562. General supervision of vital statistics— State Registrar of vital statistics.—The State Commissioner of Health shall have general supervision of vital statistics, which is hereby authorized to be established by said Commissioner and which shall be under the immediate direction of the State Registrar of vital statistics, whom the State Commissioner of Health shall appoint within thirty days after the taking effect of this law, and who shall be a competent vital statistician. The State Registrar of vital statistics shall hold office for four years, or concurrently with the commissioner, and until his successor has been appointed and has qualified unless such office shall sooner become vacant by death, disqualification, operation of law, or other causes. Any vacancy occurring in such office shall be filled for the unexpired term by the State Commissioner of Health, at least ten days before the expiration of the term of office of the State Registrar of vital statistics. His successor shall be appointed by the State Commissioner of Health. The State registrar of vital statistics shall receive an annual salary at the rate of not to exceed \$1800.00 per annum, to be fixed by the State Commissioner of Health, from the date of his entering upon the discharge of the duties of his office. The State Commissioner of Health shall

provide for such clerical and other assistance as may be necessary for the purpose of this Act¹ who shall serve during the pleasure of the Commissioner, and shall fix the compensation of the persons employed within the amount appropriated therefor by the legislature. Suitable accommodations shall be provided in the offices of the State Commissioner of Health for the Bureau of Vital Statistics, which shall be properly equipped with fireproof vault and filing cases for the permanent and safe preservation of all official records made and returned under this Act. Laws 1917, ch. 168, p. 276, § 2.

¹ Sections 561-583 of this title.
C.S. 1921, § 8984; St. 1931, § 4497.
Health 34.

§ 563. Division of state into districts.—For the purpose of this Act¹ the State shall be divided in registration districts as follows: Each City, each incorporated town, and each township shall constitute a primary registration district; provided that the State Commissioner of Health may combine two or more primary registration districts, when necessary to facilitate registration. Laws 1917, ch. 168, p. 277, § 3.

¹ Sections 561-583 of this title.
C. S. 1921, § 8985; St. 1931, § 4498.
Health 34.

§ 564. Local registrars of vital statistics—Deputy and sub-registrars.—Within ninety days after the taking effect of this Act, or as soon thereafter as possible, the State Commissioner of Health shall appoint a local registrar of vital statistics for each registration district in the State. The term of office of each local registrar so appointed shall be four years, or concurrently with the Commissioner, and until his successor has been appointed and has qualified, unless such office shall sooner become vacant by death, disqualification, operation of law, or other causes; Provided that in cities where health officers or other officials are, in the judgment of the State Commissioner of Health, conducting effective registration of births and deaths under local ordinances at the time of the taking effect of this Act, such officials may be appointed as registrars in and for such cities, and shall be subject to the rules and regulations of the State Registrar, and to all of the provisions of this Act.¹ Any vacancy occurring in the office of local reg-

istrar of vital statistics shall be filled for the unexpired term by the State Commissioner of Health, at least ten days before the expiration of the term of office of any such local registrar. His successor shall be appointed by the State Commissioner of Health. Any local registrar who, in the judgment of the State Commissioner of Health fails or neglects to discharge efficiently the duties of his office, as set forth in this Act, or to make prompt and complete returns of births and deaths as required thereby, shall be forthwith removed by the State Commissioner of Health, and such other penalties may be imposed as are provided under Section 22 of this Act.² Each local registrar shall, immediately upon his acceptance of appointment as such, appoint a deputy, whose duty it shall be to act in his stead in case of his absence or disability; and such deputy in writing accept such appointment and be subject to all rules and regulations governing local registrars. And when it appears necessary for the convenience of the people in any rural district, the local registrar is hereby authorized, with the approval of the State registrar, to appoint one or more suitable persons to act as sub-registrars, who shall be authorized to receive certificates and to issue burial or removal permits in and for such portions of the district as may be designated; and such sub-registrar shall note on each certificate over his signature the date of filing, and shall forward all certificates to the local registrar of the district within ten days, and in all cases before the third day of the following month; provided, that each sub-registrar shall be subject to the supervision and control of the State registrar, and may be by him removed for neglect or failure to perform his duties in accordance with the provisions of this Act or the rules and regulations of the State Registrar, and shall be subject to the same penalties for neglect of duty as the local registrar. Laws 1917, ch. 168, p. 277, § 4.

¹ Sections 561-583 of this title.

² Sections 582 of this title.


C.S. 1921, § 8986; St. 1931, § 4499.
Health ☞ 34.

§ 565. Dead bodies—Permit for burial, removal or other disposition—Certificate of death.—The body of any person whose death occurs in this State, or which shall be found dead therein, shall not be

interred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from or into a registration district, or be temporarily held pending further disposition, more than seventy-two hours after death, unless a permit for burial, removal, or other disposition thereof shall have been properly issued by the local registrar of the registration district in which the death occurred or the body found. And no such burial or removal permit shall be issued by any registrar until, wherever practicable, a complete and satisfactory certificate of death has been filed with him as hereinafter provided. Provided that when a dead body is transported from outside the State into a registration in Oklahoma for burial, the transit or removal permit issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the body has been transported for burial or other disposition, as a basis upon which he may issue a local burial permit; he shall note upon the face of the burial permit the fact that it was a body shipped in for interment, and give the actual place of death; and no local registrar shall receive any fee for the issuance of burial or removal permit under this Act,¹ other than the compensation provided in Section 20.² Laws 1917, ch. 168, p. 278, § 5.

¹ Sections 561-583 of this title.

² Section 580 of this title.

C. S. 1921, § 8987; St. 1931, § 4500.
Health  34, 35.

§ 566. Still-born children.—A stillborn child shall be registered as a birth and also as a death and separate certificates of both the birth and the death shall be filed with the local registrar, in the usual form and manner, the certificate of birth to contain in place of the name of the child the word “stillbirth”; provided that the certificate of birth and a certificate of death shall not be required for a child that has not advanced to the fifth month of uterogestation. The medical certificate of the cause of death shall be signed by the attending physician, if any, and shall state the cause of death as “stillborn”, with the cause of the stillbirth, if known, whether a premature birth, and if born prematurely, the period of uterogestation in months, if known; and a burial or removal

permit of the prescribed form shall be required. Midwives shall not sign certificates of death for stillborn children; but such cases, and stillbirths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance, as provided for in Section 8 of this Act.¹ Laws 1917, ch. 168, p. 279, § 6.

¹ Section 568 of this title.

C. S. 1921, § 8988; St. 1931, § 4501.

Health 34.

§ 567. Certificate of death—Contents—Authentication.—The certificate of death shall contain the following items, which are hereby declared necessary for the legal, social and sanitary purposes subserved by registration records:

- (1) Place of death, including state, county, township, village or city. If in a city, the ward, street, and house number. If in a hospital or other institution, the name of the same to be given instead of the street and house number. If in an industrial camp, the name of the camp to be given.
- (2) Full name of decedent. If an unnamed child, the surname, preceded by "un-named."
- (3) Sex.
- (4) Color or race, as white, black, mulatto (or other negro descent), Indian, Chinese, Japanese, or other.
- (5) Conjugal condition, as single, married, widowed or divorced.
- (6) Date of birth, including the year, month and day.
- (7) Age, in years, months and days. If less than one day, the hours or minutes.
- (8) Occupation. The occupation to be reported of any person, male or female, who had any remunerative employment, with the statement of (a) trade, profession or particular kind of work; (b) general nature of industry, business or establishment in which employed (or employer).
- (9) Birthplace—at least state or foreign country, if known.
- (10) Birthplace of father; at least state or foreign country, if known.
- (11) Maiden name of mother.
- (12) Birthplace of mother; at least state or for-

eign country, if known.

- (13) Signature and address of informant.
- (14) Official signature of registrar, with the date when certificate was filed, and registered number.
- (15) Date of death; year, month and day.
- (16) Certificate as to medical attendance on decedent, fact and time of death, time last seen alive, and the cause of death, with contributory (secondary) cause of complication, if any, and duration of each, and whether attributed to dangerous or insanitary condition of employment; signature and address of physician or official making the medical certificate.
- (17) Length of residence (for inmates of hospitals and other institutions; transients or recent residents) at place of death and in the state, together with the place where disease was contracted, if not at place of death, and former or usual residence.
- (18) Place of burial or removal; date of burial.
- (19) Signature and address of undertaker or person acting as such.

The personal and statistical particulars (items 1 to 13) shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts. The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such. The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course or sequence of causes resulting in the death, giving first the name of the disease causing death (primary cause) and the contributing (secondary) cause, if any, and the duration of each. Indefinite and unsatisfactory terms denoting only symptoms of disease or conditions resulting from disease, will not be held sufficient for the issuance of a burial or removal permit; and any certificate containing only such terms, as defined by the state registrar, shall be returned to the

physician, or person making the medical certificate, for correction and more definite statement. Causes of death which may be the result of either disease or violence shall be carefully defined; and if from violence, the means of injury shall be stated, and whether (probably) accidental, suicidal or homicidal, which shall be determined by the coroner or medical examination. And for deaths in hospitals, institutions, or of non-residents, the physician shall supply the information required under this head (item 18) if he is able to do so, and may state where, in his opinion, the disease was contracted. Laws 1917, ch. 168, p. 279, § 7.

C. S. 1921, § 8989; St. 1931, § 4502.

Construction and application.—Oklahoma Aid Ass'n. v. Thomas, 125 Okl. 190, 256 P. 719.

Evidence. National Benev. Soc. v. Russell, 173 Okl. 331, 48 P.2d 1047; Oklahoma Aid Ass'n. v. Thomas, 125 Okl. 190, 256 P. 719; National Benev. Soc. v. Russell, 173 Okl. 331, 48 P. 2d 1047.

Health ☞34.

§ 568. Death without medical attention.—In case of any death occurring without medical attendance, it shall be the duty of the undertaker to notify the local registrar of such death, and when so notified, the registrar shall, prior to the issuance of the permit, inform the local health officer and refer the case to him for immediate investigation and certification; provided, that when the local health officer is not a physician, or when there is no such official and in such cases only, the registrar, is authorized to make the certificate and return from the statement of relatives or other person having adequate knowledge of the fact; provided further, that if the registrar has reason to believe that the death may have been due to unlawful act or neglect, he shall then refer the case to the coroner or other proper officer for his investigation and certification. And the coroner or other proper officer whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the name of the disease causing death, or if from external cause (1) the means of death; and (2) whether (probably) accidental, suicidal homicidal; and shall in any case furnish such information as may be required by the state registrar in order

properly to classify the death. Laws 1917, ch. 168, p. 281, § 8.

C. S. 1921, § 8990; St. 1931, § 4503.

Health 34.

§ 569. Duties of undertakers—Duties of sellers of caskets.—The undertaker, or person acting as undertaker, shall file the certificate of death with the local registrar of the district in which the death occurred and obtain a burial or removal permit prior to any disposition of the body. He shall obtain the required personal and statistical particulars from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer or coroner, as directed by the local registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in Sections 7 and 8.¹ And he shall then state the facts required relative to the date and place of burial or removal, over his signature and with his address, and present the completed certificate to the local registrar in order to obtain a permit for burial, removal or other disposition of the body. The undertaker shall deliver the burial permit to the person in charge of the place of burial, before interring or otherwise disposing of the body; or shall attach the removal permit to the box containing the corpse, when shipped by any transportation company; said permit to accompany the corpse to its destination where, if within the State of Oklahoma, it shall be delivered to the person in charge of the place of burial. (Every person, firm or corporation selling a casket shall keep a record showing the name of the purchases, purchaser's postoffice address, name of deceased, date of death, and place of death of deceased, which record shall be open to inspection of the State register at all times. On the first day of each month the person, firm or corporation selling caskets shall report to the State registrar each sale for the preceding month, on a blank provided for the purpose; provided, however, that no person, firm or corporation selling caskets to dealers or undertakers only shall be required to keep such record, nor shall such report be required from undertakers when they

have direct charge of the disposition of a dead body. Every person, firm or corporation selling a casket at retail and not having charge of the disposition of the body, shall enclose within the casket a notice furnished by the State registrar calling attention to the requirements of the law, a blank certificate of death, and the rules and regulations of the State Commissioner of Health concerning the burial or other disposition of a dead body.) Laws 1917, ch. 168, p. 282, § 9.

1 Sections 567, 568 of this title.

C. S. 1921, § 8991; St. 1931, § 4504.

Evidence qualifying or explaining certificate. National
Benev. Soc. v. Russell, 173 Okl. 331, 48 P.2d 1047.
23 A.L.R. 71; 104 A.L.R. 402; Health 34, 35.


§ 570. Burial or removal permit—Interment or other disposition within state.—If the interment, or other disposition of the body is to be made within the State, the wording of the burial or removal permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him, as required by law, permission is granted to inter, remove, or dispose otherwise of the body, stating the name, age, sex, cause of death and other necessary details upon the form prescribed by the State registrar. Laws 1917, ch. 168, p. 238, § 10.

C. S. 1921, § 8992; St. 1931, § 4505.

Health 35.

§ 571. Interment or disposition without permit prohibited—Endorsement and return of permit—Record of interment or disposition.—No person in charge of any premises on which interments are made shall inter or permit the interment or other disposition of any body unless it is accompanied by a burial, removal or transit permit, as herein provided. And such person shall endorse upon the permit the date of interment, over his signature, and shall return all permits so endorsed to the local registrar of his district within ten days from the date of interment, or within the time fixed by the local board of health. He shall keep a record of all bodies interred or otherwise disposed of on the premises under his charge, in each case stating the name of each deceased person, place of death, date of burial or disposal, the name and address of the undertaker, which record shall at all times be open to official inspection; provided, that the

undertaker, or person acting as such, when burying a body in a cemetery or burial ground having no person in charge, shall sign the burial or removal permit, giving the date of burial, and shall write across the face of the permit the words, "No person in charge," and file the burial or removal permit within ten days with the registrar of the district in which the cemetery is located. Laws 1917, ch. 168, p. 283, § 11.

C. S. 1921, § 8993; St. 1931, § 4506.
Health 35.

§ 572. **Births to be registered.**—The birth of each and every child born in this State shall be registered as hereinafter provided. Laws 1917, ch. 168, p. 284, § 12.

C. S. 1921, § 8994; St. 1931, § 4507.
Health 34.

§ 573. **Birth certificates—Filing—Reports when no physician or midwife in attendance.**—Within ten days after the date of each birth there shall be filed with the local registrar of the district in which the birth occurred a certificate of such birth, which certificate shall be upon the form adopted by the State Commissioner of Health, with a view to procuring a full and accurate report with respect to each item of information enumerated in Section 14 of this Act.¹ In each case where a physician, midwife or person acting as midwife, was in attendance upon the birth, it shall be the duty of such physician, midwife, or person acting as midwife, to file in accordance herewith the certificate herein contemplated. In each case where there was no physician, midwife, or person acting as midwife, in attendance upon the birth, it shall be the duty of the father or mother of the child, the householder or owner of the premises where the birth occurred, or the manager or superintendent of the public or private institution where the birth occurred, each in the order named, within ten days after the date of such birth, to report to the local registrar the fact of such birth. In such case and in case the physician, midwife, or person acting as midwife, in attendance upon the birth is unable by diligent inquiry to obtain any item or items of information contemplated in Section 14 of this Act, it shall then be the duty of the local registrar to secure from the person so

reporting, or from any other person having the required knowledge, such information as will enable him to prepare the certificate of birth herein contemplated, and it shall be the duty of the person reporting the birth or who may be interrogated in relation thereto, to answer correctly and to the best of his knowledge all questions put to him by the local registrar which may be calculated to elicit any information needed to make a complete record of the birth, as contemplated by Section 14, and it shall be the duty of the informant as to any statement made in accordance herewith to verify such statement by his signature, when requested so to do, by the local registrar. Laws 1917, ch. 168, p. 284, § 13.

¹ Section 574 of this title.

C. S. 1921, § 8995; St. 1931, § 4508.

Health 34.

§ 574. Contents and requisites of birth certificate—Signature.—The certificate of birth shall contain the following items, which are hereby declared necessary for the legal, social and sanitary purposes, subserved by registration records:

(1) Place of birth, including state, county, township, or town, village or city. If in a city, the ward, street and house number; if in a hospital or other institution, the name of the same to be given, instead of the street and house number.

(2) Full name of child. If the child dies without a name, before the certificate is filed, enter the words: "Died unnamed." If the living child has not yet been named at the date of filing certificate of birth, the space for "Full name of child" is to be left blank, to be filled out subsequently by a supplemental report, as hereinafter provided.

(3) Sex of child.

(4) Whether a twin, triplet or other plural birth. A separate certificate shall be required for each child in case of plural births.

(5) For plural births, number of each child in order of birth.

(6) Whether legitimate or illegitimate.

(7) Date of birth, including the year, month and day.

(8) Full name of father.

(9) Residence of father.

(10) Color or race of father.

(11) Age of father at last birthday, in years.

(12) Birthplace of father; at least, state or foreign country, if known.

(13) Occupation of father. The occupation to be reported if engaged in any remunerative employment, with the statement of (a) trade, profession, or particular kind of work; (b) general nature of industry; business or establishment in which employed (or employer).

(14) Maiden name of mother.

(15) Residence of mother.

(16) Color or race of mother.

(17) Age of mother at last birthday, in years.

(18) Birthplace of mother; at least, state or foreign country, if known.

(19) Occupation of mother. The occupation to be reported if engaged in any remunerative employment, with the statement of (a) trade, profession, or particular kind of work; (b) general nature of industry, business or establishment in which employed (or employer).

(20) Number of children born to this mother, including present birth.

(21) Number of children of this mother living.

(22) The certification of attending physician or midwife as to attendance at birth, including statement of year, month, day (as given in item 7) and hour of birth, and whether the child was born alive or stillborn. This certification shall be signed by the attending physician or midwife, with date of signature and address; if there is no physician or midwife in attendance, then by the father or mother of the child, householder, owner of the

premises, or manager or superintendent of public or private institution where the birth occurred, or other competent person, whose duty it shall be to notify the local registrar of such birth, as required by Section 13 of this Act.¹

(23) Exact date of filing in office of local registrar, attested by his official signature, and registered number of birth as hereinafter provided.

(24a) Provided further, that where a birth occurred in any county in this State and no record was ever made in said county by the officers thereof concerning such birth and such record has never been transmitted to or ever been filed with the State Registrar of Vital Statistics, as provided by Section 564 and Sections 572 to 574 inclusive,² application for a registration of any such birth and the record thereof may be made to the State Registrar of Vital Statistics. Such registrations may be applied for by either the natural parents of said child, or by any legally adopted parent, or in absence of either of these then by a relative or any one in loco parentis to said child, or, in the absence of either father, mother, adopted parent, a relative or one in loco parentis, then by the person himself, provided he or she shall have arrived at an age of eighteen (18) years or over. Said applications shall be upon forms to be prescribed by the State Commissioner of Public Health and shall contain the information required under Section 574 hereof,³ except where the application is made by one other than the natural parents of said child, then said applicant, when the true name of said child is unknown and likewise its legitimacy, may be excused from furnishing this proof and said child may be registered in such instances under the name of the adopted parent or any one in loco parentis whose name said child has used for more than ten (10) years prior to the date of said application. However, in such instances said application shall comply with all the rules and regulations of the State Registrar of Vital Statistics as to supporting proof and the applicant shall present evidence from personal knowledge or upon information and belief that the same are true and within the knowledge of said applicant for a period of more than ten (10) years preceeding said ap-

plication. Said application shall also be supported by affidavit of some responsible citizen in the vicinity in which the said person was reared or resided for a period of at least ten (10) years together with such other proof as required under the rules and regulations prescribed by the State Commissioner of Public Health. Said proof of birth when accepted and filed with the State Registrar of Vital Statistics shall be registered under the name of either the natural parents, adopted parents, or those in loco parentis, which said records shall not disclose any facts relating to illegitimacy or that the parents were other than natural parents. Certificates of such birth records, when furnished to the public as provided in other sections of this Act, shall be denominated a delayed birth certificate, but in all other respects shall be issued in the same manner as other birth certificates except as to the omission therefrom of certain provisions of Section 574³ as above referred to.

(24b) All delayed birth certificates heretofore issued by the State Registrar of Vital Statistics under the general powers granted to the State Commissioner of Health and the State Registrar of Vital Statistics omitting therefrom any of the contents and provisions of Section 574 of this Act³ be and the same are hereby validated. As amended Laws 1943, p. 150, § 1.

¹ Section 573 of this title.

² Section 564 and Sections 572-572 of this title.

³ This Section.

⁴ Probably should read "preceding."
Effective on approval March 22, 1943.

§ 575. Supplemental report when no name given in certificate.—When any certificate of birth of a living child is presented without the statement of the given name, then the local registrar shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed, and returned to the local registrar as soon as the child shall have been named. Laws 1917, ch. 168, p. 286, § 15.

C. S. 1921, § 8997; St. 1931, § 4510.
Health 34.

§ 576. Registration of physicians, midwives and undertakers.—Every physician, midwife and undertaker shall, without delay, register his or her name,

address and occupation, with the local registrar of the district in which he or she resides, or may hereafter establish a residence, and shall thereupon be supplied by the local registrar a copy of this Act,¹ together with such rules and regulations as may be prepared by the State registrar relative to its enforcement. Within thirty days after the close of each calendar year, each local registrar shall make a return to the State registrar of all physicians, midwives, or undertakers who have been registered in his district during the whole or any part of the preceding calendar year; provided, that no fee or other compensation shall be charged by local registrars to physicians, midwives, or undertakers, for registering their names under this section or making returns thereof to the State registrar. Laws 1917, ch. 168, p. 286, § 16.

¹ Sections 561-583 of this title.

C.S. 1921, § 8998; St. 1931, § 4511.

8 A.L.R. 1070; Licenses 24; Physicians and Surgeons 5 (1).

§ 577. Records of hospitals, alms houses, and institutions.—All superintendents or managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases, confinement, or are committed by process of law, shall make a record of all the personal and statistical particulars relative to the inmates of their institutions at the date of approval of this Act, which are required in the forms of the certificates provided for by this Act,¹ as directed by the State registrar; and thereafter such record shall be by them made for all future inmates at the time of their admittance. And in case of persons admitted or committed for treatment of disease, the physician in charge shall specify for entry in the record the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself if it is practicable to do so, and when they cannot be so obtained, they shall be obtained in as complete a manner as possible from relatives, friends or other persons acquainted with the facts. Laws 1917, ch. 168, p. 287, § 17.

¹ Sections 561-583 of this title.

C. S. 1921, § 8999; St. 1931, § 4512.

Asylums 8; Hospitals 3.

§ 578. State Registrar—Duties—Records and indexes.—The State registrar shall prepare, print and supply to all registrars all blanks and forms used in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this Act.¹ and shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration; and no other blanks shall be used than those supplied by the State Registrar. He shall carefully examine the certificates received monthly from the local registrar, and if any such are incomplete or unsatisfactory, he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants or undertakers, and all other persons having knowledge of the facts, are hereby required to supply, upon a form provided by the State registrar or upon the original certificate, such information as they may possess regarding any birth or death upon demand of the State registrar, in person, by mail, or through the local registrar; provided, that no certificate of birth or death, after its acceptance for registration by the local registrar, and no other record made in pursuance of this Act, shall be altered or changed in any respect otherwise than by amendments properly dated, signed and witnessed. The State registrar shall further arrange, bind, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card index of all births and deaths registered; said index to be arranged alphabetically, in the case of deaths, by the names of decedents, and in the case of births, by the names of fathers and mothers. He shall inform all registrars what diseases are to be considered infectious, contagious or communicable and dangerous to the public health, as decided by the State Commissioner of Health, in order that when deaths occur from such diseases proper precautions may be taken to prevent their spread. If any cemetery company or association, or any church or historical society or association, or any individual, is in possession of any record of births or deaths

which may be of value in establishing the genealogy of any resident of this State, such company, society, association or individual may file such record or a duly authenticated transcript thereof with the State registrar, and it shall be the duty of the State registrar to preserve such record or transcript and to make a record and index thereof in such form as to facilitate the findings of any information contained therein. Such record and index shall be open to inspection by the public, subject to such reasonable conditions as the State registrar may prescribe. If any person desires a transcript State registrar, and it shall be the duty of the State registrar shall furnish the same upon application, together with a certificate that it is a true copy of such record, as filed in his office, and for his services in so furnishing such transcript and certificate he shall be entitled to a fee of (ten cents per folio), (fifty cents per hour or fraction of an hour necessarily consumed in making such transcript), and to a fee of twenty-five cents for the certificate, which fees shall be paid by the applicant. Laws 1917, ch. 168, p. 287, § 18.

¹ Sections 561-583 of this title.

C. S. 1921, § 9000; St. 1931, § 4513.

Health 34.

§ 579. Duties of local registrars.—Each local registrar shall supply blank forms of certificates to such persons as require them. Each local registrar shall carefully examine each certificate of birth or death when presented for record in order to ascertain whether or not it has been made out in accordance with the provisions of this Act¹ and the instructions of the State registrar; and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defect in the return, and to withhold the burial or removal permit until such defects are corrected. All certificates, either of birth or death, shall be written legibly, in durable black ink, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account of² their omission. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker, provided that in case the death occurred from some disease which

is held by the State Commissioner of Health to be infectious, contagious or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be issued by the registrar, except under such conditions as may be prescribed by the State Commissioner of Health. If a certificate of birth is incomplete, the local registrar shall immediately notify the informant and require him to supply the missing items of information, if they can be obtained. He shall number consecutively the certificates of birth and death, in two separate series, beginning with Number 1 of the first birth and the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and each death certificate registered by him in a record book supplied by the State registrar, to be preserved permanently in his office as the local record, in such manner as directed by the State registrar. And he shall, on the tenth day of each month, transmit to the State registrar all original certificates registered by him for the preceding month. And if no births or no deaths occurred in any month, he shall on the tenth day of the following month, report the fact to the State registrar on a card provided for such purpose. Laws 1917, ch. 168, p. 288, § 19.

¹ Sections 561-583 of this title.

² Probably should read "for."

C. S. 1921, § 9001; St. 1931, § 4514.

Evidence. National Benev. Soc. v. Russell, 173 Okl. 331, 48 P.2d 1047.

Health ☞ 34.

§ 580. Fees of local registrars—Payment of account.—Each local registrar shall be paid the sum of twenty-five cents (25c) for each birth certificate and each death certificate, properly and completely made out and registered with him, and correctly recorded and promptly returned by him to the State Registrar as provided by this Act,¹ and in case no births or deaths were registered during any month, the local registrar shall report to that effect. Each local registrar shall be paid the sum of One Dollar (\$1.00), for a monthly report to be transmitted on the tenth day of the following month to the State Registrar on such forms as may be required by the State Registrar. In addition thereto the local registrar shall be paid a fee of twenty-

five cents (25c), for each burial, removal or transit permit issued by him. All accounts payable to a local registrar under the provisions of this Section shall be paid upon a verified approval claim; and the State Auditor shall issue his warrant therefor upon the State Treasury and the same shall be paid out of the General Revenue fund of this State. Laws 1917, ch. 168, p. 289, § 20; Laws 1919, ch. 95, p. 148, § 1; Laws 1923, ch. 13, p. 10, § 1; Laws 1933, ch. 168, p. 385, § 1.

¹ Sections 561-583 of this title.

C. S. 1921, § 9002; St. 1931, § 4515.

Appropriation by county excise board held authorized.

Chicago R. I. & P. Ry. Co. v. Excise Board of Oklahoma County, 168 Okl. 428, 33 P. 2d 1081.

Health 84.

§ 581. Certified copies of records—Fees—Prima facie evidence—Fee for searches.—The State registrar shall, upon request, supply to any applicant, a certified copy of the record of any birth or death registered under the provisions of this Act,¹ for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. And any such copy of the record of a birth or death, when properly certified by the State registrar, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made, the State registrar shall be entitled to a fee of fifty cents for each hour or fractional part of an hour of time of search, said fee to be paid by the applicant. And the State registrar shall keep a true and correct account of all fees by him received under these provisions, and turn the same over to the State Treasurer. Provided, that the State registrar shall upon request of any parent or guardian supply, without fee, a certificate limited to the statement as to the date of birth of any child when the same shall be necessary for admission of² school, or for the purpose of securing employment. And provided further, that the United States Census Bureau may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of the fees herein prescribed. Laws 1917, ch. 168, p. 290, § 21.

¹ Sections 561-583 of this title.

² Probably should read "to."

C. S. 1921, § 9003; St. 1931, § 4516.

This section is valid. Oklahoma Aid Ass'n. v. Thomas,

125 Okl. 190, 256 P. 719.

Evidence.—National Benev. Soc. v. Russell, 173 Okl. 331, 48 P. 2d 1047; Oklahoma Aid Ass'n. v. Thomas, 125 Okl. 190, 256 P. 719.

Health ☞34.

§ 582. **Penalty for violations.**—Any person, who for himself or as an officer, agent, or employee of any other person or of any corporation or partnership (a) shall inter, cremate or otherwise finally dispose of the dead body of a human being, or permit the same to be done, or shall remove said body from the primary registration district in which the death occurred, or the body was found, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or (b) shall refuse or fail to furnish correctly any information in his possession, or shall furnish false information affecting any certificate or record, required by this act,¹ or (c) shall wilfully alter, otherwise than is provided by Section 18 of this Act,² or shall falsify any certificate of birth or death, or any record established by this Act, or (d) being required by this Act to fill out a certificate of birth or death and file the same with the local registrar, or deliver it, upon request, to any person charged with the duty of filing the same, shall fail, neglect or refuse to perform such duty in the manner as required by this act, or (e) being a local registrar, deputy-registrar, or sub-registrar, shall fail, neglect, or refuse to perform his duty as required by this act and by the instructions and directions of the State registrar thereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof shall for the first offense be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00), and for each subsequent offense, not less than ten dollars (\$10.00) or more than one hundred dollars (\$100.00), or be imprisoned in the county jail not more than sixty days, or by both fine and imprisonment in the discretion of the court. Laws 1917, ch. 168, p. 290, § 22.

¹ Sections 561-583 of this title.

² Section 578 of this title.

C. S. 1921, § 9004; St. 1931, § 4517.

Health ☞37, 43.

§ 583. **Registrars—Enforcement of act.**— Each local registrar is hereby charged with the strict

and thorough enforcement of the provisions of this act¹ in his registration district, under the supervision and direction of the State registrar. And he shall make immediate report to the State registrar of any violation of this law coming to his knowledge, by observation or upon complaint of any person, or otherwise. The State registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the State, and is hereby granted supervisory power over local registrars, deputy local registrars and sub-registrars to the end that all of its requirements shall be uniformly complied with. The State registrar, either personally or by an accredited representative, shall have authority to investigate cases of irregularity or violation of law, and all registrars shall aid him, upon request, in such investigation. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this act to the prosecuting attorney of the county, with a statement of the facts and circumstances; and when any such case is reported to him by the State registrar, the prosecuting attorney shall forthwith initiate and promptly follow up the necessary proceedings against the person or corporation responsible for the alleged violation of the law. And upon request of the State registrar, the attorney general shall assist in the enforcement of the provisions of this act. Laws 1917, ch. 168, p. 291, § 23.

¹ Sections 561-583 of this title.

C. S. 1921, § 9005; St. 1931, § 4518.

Health 34.

NEW CERTIFICATES OF BIRTH

§ 591. When new certificate of birth authorized—**Form Execution.**—It shall be the duty of the State Registrar of Vital Statistics to issue a new certificate of birth whenever he received proof satisfactory to him:

(a) That the previously unwed parents of a person have married subsequently to the birth of such person; or

(b) That a court of competent jurisdiction has entered a judgement order or decree relating to the parentage or adoption of a person.

Such new certificate for any person shall be in the form prescribed by the State Registrar, subject to the approval of the State Board of Health, and shall be prepared on the following basis: Such person shall be treated as having had at birth the status subsequently acquired or established and of which proof is submitted; where such person is illegitimate and paternity has been established by legal proceedings the name of such father shall be inserted; where such person has been adopted the name of such person shall be that fixed by the decree of adoption and the foster parents shall be recorded as the parents of such person.

Such new certificate shall be signed either by the attending physician, or by the natural or foster parents, or by a Registrar of Vital Statistics, and it shall not show the name of the institution wherein such person was born. Laws 1939, p. 72, § 1.

Health ☞34.

§ 592. Substitution of new certificate for original—Sealing of original—Certified copy of certificate.

When a new certificate of birth is made under authority of this Act, the State Registrar shall substitute such new certificate of birth for the certificate of birth then on file, if any. The State Registrar shall place the original certificate of birth and all papers pertaining to the new certificate of birth under seal. Such seals shall not be broken except by order of a court of competent jurisdiction or on written order of the State Registrar. Thereafter when a certified copy of the certificate of birth of such person is issued, it shall be a copy of the new certificate of birth, except when an order of a court of competent jurisdiction shall require the issuance of a copy of the original certificate of birth. Laws 1939, p. 73, § 2.

Health ☞34.

§ 593. Uniformity of certificates—Statements excluded.—All certificates of birth issued under authority of this Act shall be uniform as to size, color of paper, or ink or inks, and design as those issued under authority of any other act or acts of the State of Oklahoma, except as herein specifically provided, and no certificate of birth issued under authority of this Act shall ever state that the child has been adopted, or was of illegitimate birth, or

is a natural birth or birth by adoption. Laws 1939, p. 73, § 3.

Health ☞34.

§ 594. **Fee.**—For the substituting of new certificate of birth for the original certificate of birth and for the issuing of a certified copy of the new certificate of birth the State Registrar shall be authorized to charge a fee not in excess of One (\$1.00) Dollar. Laws 1939, p. 73, § 4.

Health ☞34.

§ 595. **Report of decree of adoption or adjudicated of paternity.**—It shall be the duty of the clerks of the several courts of this State, upon request of the foster parent or parents or such other person or persons having the care and custody of the child, to transmit to the Bureau of Vital Statistics of the State Department of Health, upon forms to be supplied by said Bureau, a report of the decree of adoption or adjudication of paternity of such child. Laws 1939, p. 73, § 5.

Health ☞34.

ESTABLISHING PLACE OF BIRTH, PARENTAGE AND AGE (NEW)

§ 601. **Residents whose birth, etc., not recorded—Petition—Evidence—Judgement.**—Any resident of the State of Oklahoma, whether born in the State of Oklahoma, or elsewhere, whose birth, age, parentage and place of birth has not been recorded in the office of the State Commissioner of Health, may have the record of such information entered in the following manner: Such applicant may appear before a County Judge in the County of which he is a resident and file his verified petition in writing which said petition shall state the time and place of his birth and his parentage and such other facts as he deems pertinent; that said petition shall be filed in the office of the Court Clerk and given a number in the probate files thereof; that thereupon the said applicant shall produce all the evidence he has in his possession, which may consist of personal testimony, affidavits and records and if the said County Judge shall be satisfied with the proof offered, he shall make and enter a judgement establishing the time and place of birth, the age and the parentage of the applicant, which said judgement shall be final and conclusive

of all the facts therein adjudged and binding upon all agencies in the State of Oklahoma. Laws 1943, p. 152, § 1.

Effective on approval April 12, 1943.

§ 602. Filing certified copy—Issuance of certified copy.—That a certified copy of said judgement and order may be filed in the office of the State Commissioner of Health and a certified copy of the same shall be issued by the State Registrar of Vital Statistics in the same manner as now provided by law in all cases when registration has been entered under the laws now in force. Laws 1943, p. 152, § 2.

CHAPTER 15.—Waters and Sewage


Sec.

- 611. Waters of the State—term defined.
- 612. Plans and surveys of waterworks—filing with State Board of Health.
- 613. Water supply permits—investigation of complaints of water supply.
- 614. Permit for sewer system or disposal plant—discharge of sewage—pollution of waters—investigation and prevention.
- 615. Permit for discharge of sewage into waters of state.
- 616. Reports—sewer companies—municipal corporations.
- 617. Continuance of discharge of sewage—order for discontinuance.
- 618. Penalty for violations.
- 619. Assistant state engineer for Board of Health—duties actions—disposition of penalties and fines—stay of orders pending appeal.

§ 611. Waters of the state Term defined.—The term "Waters of the State" wherever used in this Act,¹ shall include all streams and springs and all bodies of surface and impounded ground water, whether natural or artificial, within the boundaries of the State. Laws 1917, ch. 166. p. 266, § 1.

¹ Sections 611-619 of this title.


C. S. 1921, § 8973; St. 1931, § 6073.

Waters and Water Courses  180.

§ 612. Plans and surveys of waterworks—Filing with State Board of Health.—Every municipal corporation, private corporation, company and individual supplying or authorized to supply water to the public within the State shall, within ninety days after the passage of this act, file with the State

Board of Health, a certified copy of the plans and surveys of the waterworks with a description of the source from which the water supply is derived and no additional source of supply shall thereafter be used without a written permit from the State Board of Health hereinafter provided. Laws 1917, ch. 166, p. 266, § 2.

C. S. 1921, § 8974; St. 1931, § 6074.

Waters and Water Courses  193.

§ 613. Water supply permits—Investigation of complaints of water supply.—No person, company, corporation, institution or municipality shall supply water or let a contract or contracts for any construction works, or do any construction work of any nature for supplying water for domestic purposes to the public within the State from or by means of any waterworks, that shall have been constructed or extended either in whole or in part, subsequent to the passage of this act without a written permit from the State Board of Health for the supplying of such water; except that this provision shall not apply to the extension of water mains or pipes for the distribution of water.

An application for such permit shall be made to the State Board of Health on blanks furnished by the State Board of Health and shall be accompanied by a certified copy of map or maps, plans and specifications for the extension of such waterworks or waterworks extensions and a description of the design of the systems source from which it is proposed to derive the water supply and of the manner of storage, purification of the stream proposed for the supply previous to its delivery to consumers, together with such other data and information as may be required by the State Board of Health, all of which data shall be filed on record with the State Board of Health, and no other additional source of supply shall subsequently be used for such waterworks, nor any change made in the manner of storage, purification or treatment of the supply without an additional permit, which permit shall be obtained in a similar manner from the State Board of Health. Whenever an application shall be made to the State Board of Health for a permit under the provisions of this section, it shall be the duty of the State Board of Health

to examine the application, the maps, plans, specifications and other data, without delay, and as soon as possible thereafter to issue the said permit, and if in its judgement the proposed supply appears to be not prejudicial to the public health or to make an order stating the condition or conditions under which the said permit shall be granted. If the said person, company, corporation, institution or municipality shall consider the terms of such an order to be illegal, unjust or unreasonable, it may, within thirty days after the making of such order, appeal therefrom to the District Court of the county in which the proposed waterworks or extension thereof is to be located; and the said court shall hear the said appeal without delay, and shall render a decision approving, setting aside or modifying said order, or fixing the terms upon which said permit shall be granted, or stating the reason therefor.

The supplying of water for domestic purposes to the public within the State, from or by means of any waterworks that shall have been constructed or extended, either in whole or in part, subsequent to the passage of this act, without a permit to do so, being obtained from the State Board of Health as hereinafter provided, shall be deemed a misdemeanor and shall be punished by fine of not less than twenty-five dollars nor more than fifty dollars for each offense. The supplying of water in each day, contrary to the provisions of this act,¹ shall be considered to constitute a separate offense. The letting of contract or contracts of any construction work or doing any construction work of any nature for the supplying of water without a permit having been issued by the State Board of Health, shall be deemed a misdemeanor and shall be punished by a fine of not less than five hundred dollars for each offense.

Whenever complaint shall be made to the State Board of Health by the mayor of any city or president or chairman of any Board of Trustees of any incorporated town in the State, or by any county health officer, or by a local board of health, relating to the sanitary quality of the water supplied to the public for domestic or drinking purposes

within the county which the said city or town or health officer or local board of health is located, it shall be the duty of the State Board of Health to investigate the character of the water supply, concerning which the complaint is made. Also, whenever the State Board of Health shall have reason to believe that the sanitary quality of any water supplied to the public within the State for domestic or drinking purposes is such as to be prejudicial to the public health, it may, upon its own motion, investigate the character of such water supply. Whenever an investigation of any water supply shall be undertaken under either of the foregoing provisions, it shall be the duty of the person, company, corporation, institution or municipality, having the water supply investigated, to furnish, on demand, to the State Board of Health such information relative to the source or sources from which said supply of water is derived, and to manner of storage, purification or treatment necessary or desirable for the determination of its sanitary quality. And the State Board of Health is hereby given authority to make an order requiring such change in the source or sources of said water supply, or in the manner of storage, purification or treatment of said supply before delivery to the consumers, or both, as may be necessary in its judgment to safeguard the public health.

It shall be the duty of the person, company, corporation, institution or municipality, having in charge the water supply investigated, or the works for the development or distribution of the supply, to comply with said order of the State Board of Health. If any person, company, corporation, institution or municipality shall consider the requirements of the said order to be illegal, unjust or unreasonable, it may, within thirty days after the making of such order, appeal therefrom to the District Court of the county in which the said waterworks are located, and the court shall hear the case without delay and shall render a decision approving, setting aside or modifying the said order, or fixing the terms upon which the said

permit shall be granted, and stating the reason therefor. Laws 1917, ch. 166, p. 266, § 3.

¹ Sections 611-619 of this title.

C. S. 1921, § 8975; St. 1931, § 6075.

72 A.L.R. 673; Waters and Water Courses 198.

§ 614. Permit for sewer system or disposal plant—Discharge of sewage—Pollution of waters—Investigation and prevention.—No person, company, corporation, institution or municipality shall let a contract or contracts for any construction work of any nature for a sanitary sewerage system and sewerage disposal and treatment plant, or for any extensions, either in whole or in part, or place or permit to be placed or discharged or permit to flow into any of the waters of the State or elsewhere any sewerage except as hereinafter provided, subsequent to the passage of this act, without a written permit from the State Board of Health. An application for such permit shall be made to the State Board of Health and shall be accompanied by a certified copy of the map or maps, plans and specifications for the construction of such sanitary sewerage systems, sewerage disposal or treatment plant or extension, together with a complete description of the designs of the system, sewer outfall and disposal or treatment plant, together with all other data and information as may be required by the State Board of Health, all of which data shall be filed on record with the State Board of Health, and no other extension or change of any kind shall be made in the manner of sewerage disposal or treatment without an additional permit being issued by the State Board of Health, which permit may be obtained in a similar manner from the State Board of Health. But this act¹ shall permit the discharge of sewerage from any public sewer system owned and maintained by a municipality or sewerage company, person, institution or corporation, provided such sewer system was in operation and was discharging sewage into the waters of the State on the first day of July, 1916. But this exception shall not permit the discharge of sewage from any sanitary sewer system that shall have been extended subsequent to the aforesaid date, nor shall it permit the discharge of any sewage which, upon investigation by the State Board of Health, as hereinafter provided, shall be found to be polluting the

waters of the State in a manner prejudicial to the health of the inhabitants thereof. For the purpose of this act, sewage is hereby defined as any substance that contains any discharge from the bodies of human beings or animals, or chemical or other wastes from domestic, manufacturing or other forms of industry. Whenever complaint shall be made to the State Board of Health by the mayor of any city or president or chairman of the Board of Trustees of any incorporated town of the State, or by a county health officer, or by a local board of health, of the pollution or of the polluted condition of any of the waters of the State, situated within the county within which the said city or town or health officer or² local board of health is located, it shall be the duty of the State Board of Health to make an investigation covering the pollution, or the polluted condition concerning which complaint is made. Also, whenever the State Board of Health shall have reason to believe that any waters of the State are being polluted in a manner prejudicial to the health of any of the inhabitants of the State, it shall be the duty of the State Board of Health to make an investigation covering the pollution or the polluted condition concerning which the complaint is made. Whenever an investigation shall be undertaken by the State Board of Health under either of the foregoing provisions, it shall be the duty of any person, company, corporation, institution or municipality concerned in such pollution to furnish on demand to the State Board of Health such information as may be required relative to the amount and character of the polluting material discharged into said waters by such persons, company, corporation, institution or municipality. And, if the State Board of Health shall find that any of the waters of the State have been or are being polluted in a manner prejudicial to the health of any of the inhabitants of the State, the State Board of Health shall have the authority to make an order requiring such pollution to cease within a reasonable time, or requiring such manner of treatment or of disposition of the sewage or other polluting material as may in its judgment be necessary to prevent the further pollution of such stream, or both. And it shall be the duty of the person, company, corporation, institution or

municipality to whom such order is directed to fully comply with said order of the State Board of Health. If the person, company, corporation, institution or municipality shall consider the requirements of the said order to be illegal, or unjust, or unreasonable, it may, within thirty days after the making of said order, appeal therefrom to the District Court of the county in which the pollution or polluted conditions occur, and the said court shall hear the said case without delay, and shall render a decision approving, setting aside or modifying the said order, or fixing the terms upon which said permit shall be granted, and stating the reason therefor. Laws 1917, ch. 166, p. 269, § 4.


¹ Sections 611-619 of this title.

² Probably should read "or."

C. S. 1921, § 8976; St. 1931, § 6076.

This section does not regulate private rights or authorize nuisance.

Oklahoma City v. West, 155 Okl. 63, 7 P.2d 888.

Waters and Water Courses  198.

§ 615. Permit for discharge of sewage into waters of state.—Upon application duly made to the State Board of Health by sewerage companies or by the public authorities having by law the charge of the sewer system of any municipality, the State Board of Health shall consider the case of such a sewer system, otherwise prohibited by this act¹ from discharging sewage into any of the waters of this State, and whenever it is their unanimous opinion that the general interests of the public health would be subserved thereby, the Commissioner of the State Board of Health may issue a permit for the discharge of sewage from any such sewer system into any of the waters of the State, and may stipulate in the permit the conditions on which discharge may be permitted. Such permit before being operative shall be recorded in the office of the recorder of deeds for the county wherein the outlet of the said sewer system is located. Every such permit for the discharge of sewage from a sewer system shall be revocable, or subject to modification or change by the State Board of Health, after an investigation and hearing and an opportunity for all parties interested therein to be heard thereon by notice served on the sewerage company or on the public authorities of the municipality owning, maintaining or using the sewerage system. The length of time after receipt of the

notice within which the discharge of sewage shall be discontinued may be stated in the permit, but in no case shall it be less than one year or more than two years, and if the length of time is not specified in the permit, it shall be one year. On the expiration of the period of time prescribed, after the serving of a notice of revocation, modification or change from the State Board of Health, the right to discharge sewage into any of the waters of the State shall cease and terminate; and the prohibition of this act against such discharge shall be in full force, as though no permit had been granted, but a new permit may thereafter again be granted as hereinbefore provided. Laws 1917, ch. 166, p. 271, § 5.

¹ Sections 611-619 of this title.
C. S. 1921, § 8977; St. 1931, § 6077.
Waters and Water Courses ↪198.

§ 616. Reports—Sewer companies—Municipal corporations.—It shall be the duty of sewerage companies and the public health authorities having by law the charge of the sanitary sewer system of every municipality of the State from which sewage was being discharged into any of the waters of the State at the time of the passage of this act, to file with the State Board of Health, within four months after the passage of this act, a report of such sewer system, which shall comprise such facts and information as the State Board of Health may require. No sewer system shall be exempt from the provisions of this act against the discharge of sewage into the waters of the State for which a sanitary report shall not be filed with the State Board of Health in accordance with this section. Laws 1917, ch. 166, p. 272, § 6.

C. S. 1921, § 8978; St. 1931, § 6078.
Waters and Water Courses ↪196.

§ 617. Continuance of discharge of sewage—Order for discontinuance.—All individuals, private corporations and companies that at the time of the passage of this act are discharging sewage into any of the waters of the State, may continue to discharge such sewage unless, in the opinion of the State Board of Health, the discharge of such sewage may become injurious to the public health. If at any time the State Board of Health considers that the discharge of such sewage into any of the

waters of the State may become injurious to the public health, it may order the discharge of such sewage to be discontinued. Laws 1917, ch. 166, p. 272. § 7.

C. S. 1921, § 8979; St. 1931, § 6079.
Waters and Water Courses 196.

§ 618. Penalty for violations.—Any person, company, corporation, institution or municipality who shall fail to furnish on demand, to the State Board of Health such information as may be required by the said Board of Health under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars. That any person, company, corporation, institution or municipality who shall fail to fully comply with the requirements of the State Board of Health herein authorized to be made, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars and not more than one hundred dollars, for each offense. The failure to comply with such requirements, in each day on which such failure is made, shall be considered to constitute a separate offense. Laws 1917, ch. 166, p. 272, § 8.

C. S. 1921, § 8980; St. 1931, § 6080.
Waters and Water Courses 212.

§ 619. Assistant State Engineer for Board of Health—Duties—Actions—Disposition of penalties and fines—Stay of orders pending appeal.—For the purpose of carrying out the provisions of this act,¹ the State Engineer will designate one of his assistant engineers for the State Board of Health and it shall be the duty of such engineer to examine all applications, maps, plans, specifications and other data, to investigate and report upon all matters relating to water supplies and sewerage, and the pollution of the waters of the State that may come before the State Board of Health for investigation or action, and to make such recommendations in relation thereto as he may deem wise and proper; and to make such special investigations in relation to methods of sewage disposal and of water supply and the purification of water as may be necessary in order to make proper recommendations in regard thereto, or as may be required by

the State Board of Health. He shall make a report to the Board at each annual meeting, covering the work of his office for the past year. His actual and necessary expenses incurred while in the discharge of his duties as Engineer of the State Board of Health and shall be allowed and paid when audited and approved by the State Commissioner of Health.

That suits under the provisions of this act shall be brought in the name of the State of Oklahoma by the Attorney General of the State in any court of competent jurisdiction, and the penalties and fines recovered under the provisions of this act shall be paid into the school fund of the State.

That whenever appeal to any District Court shall be made from any order or decision of the State Board of Health, under the provisions of this act, the court or judge thereof, may, on application, upon good cause shown, stay such order or decision until the final determination of said appeal. Laws 1917, ch. 166, p. 273, § 9.

¹ Sections 611-619 of this title.

C. S. 1921, § 8981; St. 1931, § 6081.

Health ↪ 7 (3); Waters and Water Courses ↪ 212.

TITLE 43

MARRIAGE

PREMARITAL EXAMINATION FOR SYPHILIS (NEW)

Sec.

31. Physician's certificate—filing—contents.
32. Order of judge of county court dispensing with requirements.
33. Laboratory statement and report of test.
34. Free examination by State Superintendent of Health or State Health Officer.
35. Standard serological test.
36. Issuance of license—delivery to person officiating—accompanying statement—return to licensing authority.
37. Offenses and punishment.

§31. Physician's certificate—Filing—Contents. —

Any person seeking to obtain a marriage license shall first file with Court Clerk a certificate or affidavit from a duly licensed physician, licensed to practice within the State of Oklahoma, stating that each party to the marriage contract has been given a standard serological examination, as may

be necessary for the discovery of syphilis, made not more than thirty (30) days prior to the date of such application to obtain a marriage license, and that, in the opinion of the physician, the persons named therein are not infected with syphilis, or, if infected, said syphilis is not in a stage which may be communicable to the marriage partner. Laws 1945, p. 137, § 1.

Approved Feb. 7, 1945.

Effective 90 days after April 26, 1945, date of adjournment.

Title of Act:

An Act providing for a premarital examination for syphilis prior to the issuance of a marriage license; providing exceptions upon order of the County Judge; prescribing duties of examining physician, State Health Officer, State Department of Public Health, Court Clerk, and penalty for violation; prescribing manner of return of marriage license. Laws 1945, p. 137.

§ 32. Order of Judge of county court dispensing with requirements.—Because of an emergency or other cause shown by affidavit or other proof, the Judge of the County Court, if satisfied by medical testimony, that neither the health of the individual nor the public health and welfare will be injuriously affected thereby, may make an order, on joint application of both the parties desiring the marriage license, dispensing with those requirements of Sections 1 and 3,¹ which relate to the filing with the licensing authority by either or both of the parties of the physician's certificates and the laboratory statements or, the said affidavit and statements having been filed, extending the thirty-day period following the examination and test to not later than ninety (90) days after such examination and test. The order shall be accompanied by a memorandum in writing from the judge reciting his reasons for granting said order. Application for such extension may be made before, on or after the expiration of such thirty-day period. The order in the accompanying memorandum shall be filed with the Court Clerk and said clerk shall thereupon accept the application for the marriage license without the production of filing of the physician's certificates and the laboratory statements dispensed with by the order or shall accept the application

within any such extended period, as the case may be. The Court Clerk and his clerks and employees shall hold such memorandum of the Judge in absolute confidence. Laws 1945, p. 137, § 2.

¹ Sections 31 and 33 of this title.

§ 33. Laboratory statement and report of test.—Each physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test, or from some other person authorized to make such statement, setting forth the name of the test, the date it was completed and the name and address of the person whose blood was tested, but not stating the result of the test. The physician's statement and the laboratory statement shall be on the same form sheet. Upon said form a detailed report of the laboratory test, showing the result of the test, shall be transmitted by the laboratory to the physician who, after examining it and if he deems it desirable, discussing it with either or both of the proposed marital parties, shall file it with the State Health Officer, or State Superintendent of Health, where it shall be held in absolute confidence and shall not be open to public inspection; provided that it shall be produced for evidence at a trial or proceeding in a court of competent jurisdiction, involving issues in which it may be material and relevant, on an order of the judge of such court requiring its production. Laws 1945, p. 137, § 3.

§ 34. Free examination by State Superintendent of Health or State Health Officer.—It shall be the duty of the State Health Officer, or State Superintendent of Health, upon request, to make the examinations herein provided without charge to the person or persons applying therefor. Laws 1945, p. 138, § 4.

§ 35. Standard serological test.—A standard serological test shall be a laboratory test for syphilis, approved by the State Commissioner of Public Health, and shall be performed by the State Department of Public Health, on request, free of charge, or at a laboratory approved for this purpose by said State Department of Public Health. Laws 1945, p. 138, § 5.

§ 36. Issuance of license—Delivery to person officiating—Accompanying statement—Return to lic-

ensing authority.—Marriage licenses shall be issued to all applicants who have complied with the provisions of this Act¹ and who are otherwise entitled under the laws of the State of Oklahoma to apply therefor and to contract matrimony. Any person obtaining such marriage license from the Court Clerk shall deliver said license, within ten (10) days from the date of issue, to the clergyman or other qualified person who is to officiate before the marriage can be performed. Each such license, when issued, shall have endorsed or annexed thereto, at the end thereof, a statement, subscribed by the person issuing the license, that the application for the license was accompanied by papers complying with the applicable requirements of Sections 1 and 3 of this Act² relative to examination and health of the parties or, if such compliance was dispensed with, wholly or partly, by order of the Judge of the County Court, a statement to that effect. The license issued, including the above statement, or including said statement in the certificate duly signed by the person who shall have performed the marriage therein authorized, shall be returned by him to the licensing authority who issued the same within five (5) days succeeding the date of the performance of the marriage therein authorized, and any person or persons who shall wilfully neglect to make such return within the time above required shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred (\$100.00) Dollars for each and every offense. Laws 1945, p. 138, § 6.

¹ Sections 31-37 of this title.

² Sections 31 and 33 of this title.

§ 37. Offenses and punishment.—Any applicant for a marriage license, any physician or any representative of a laboratory who shall misrepresent any of the facts called for by the physician's statement and the laboratory report or statement, or any licensing officer who shall accept an application for a license without the accompanying physician's statement and laboratory report, as requested by Sections 1 and 3 herein,¹ unless the same shall have been dispensed with by judicial order as provided in Section 2,² or who shall have reason to believe that any of the facts contained in said

statement or report have been misrepresented and shall nevertheless issue a marriage license, or any health officer or his employee who shall not hold a laboratory record confidential, except as provided in Section 3 herein³ with respect to its production for evidence on order of the Judge of the County Court, or any officer, clerk or employee of the officer issuing the license who shall not hold in strictest confidence the statement filed with him as to the reasons for granting a judicial order, as provided in Section 2 herein, shall be guilty of a misdemeanor and punishable accordingly. Laws 1945, p. 138, § 7.

¹ Sections 31 and 33 of this title.

² Section 32 of this title.

³ Section 33 of this title.

Article 5, § 39, Oklahoma State Constitution—Constitutional authority for existence of Board of Health.

Title 2, § 413.3, O. S. 1945. Butter—Definition and standard.

Title 11, § 665, 666, O. S. 1941. Purchase and condemnation of land for hospitals, water supply, etc.

Title 11, § 293, 298, 299, 200, O. S. 1941. Waterworks.

Title 19, Ch. 17, O. S. 1941. County Hospitals.

Title 21, Part 5, § 1204, 1206, O. S. 1945. Pertaining to dump grounds.

Title 21, Ch. 39, O. S. 1945. Indecent Exposure, Obscenity and Disorderly Houses.

Title 21, § 1192, O. S. 1941. Spread of infectious disease.

Title 21, § 1222-1228, incl., O. S. 1941. On animals and carcasses.

Title 50, § 1-17, incl., O. S. 1941. Nuisances.

Title 50, § 41, 43, 44, O. S. 1941. Slaughter Houses.

Title 70, Ch. 18, O. S. 1941. School Buildings.

The following references may be helpful:

Title 10, § 171.8, O. S. 1941; § 171.9, O. S. 1945. Crippled Children's Commission.

Title 18, § 581, O. S. 1941. Fraternal Hospitals.

Title 22, Ch. 24, O. S. 1941. Searches and Seizures.

Title 35, § 55, 56, O. S. 1941. Commissioner meeting with Board of Affairs relative to insane and feeble-minded.

Title 40, § 112, 113, O. S. 1941. Relative to Superintendent, Board of Health meeting with department heads to formulate rules.

Title 56, § 1, 2, O. S. 1941. Commissioner, Board of Public Welfare.

MISCELLANEOUS

Article 5, § 39, Oklahoma State Constitution—Constitutional authority for existence of Board of Health.

- Title 2, § 413.3, O. S. 1945. Butter — Definition and standard.
- Title 11, § 293, 298, 299, 300, O. S. 1941. Waterworks.
- Title 11, § 665, 666, O. S. 1941. Purchase and condemnation of land for hospitals, water supply, etc.
- Title 19, Ch. 17, O. S. 1941. County Hospitals.
- Title 21, Ch. 39, § 1028-1031, incl., O. S. 1945. Indecent Exposure, Obscenity and Disorderly Houses.
- Title 21, § 1192, O. S. 1941. Spread of infectious disease.
- Title 21, Part 5, § 1204, 1206, O. S. 1945. Pertaining to dump grounds.
- Title 21, § 1222-1228, incl., O. S. 1941. On animals and carcasses.
- Title 50, § 1-17, incl., O. S. 1941. Nuisances.
- Title 50, § 41, 43, 44, O. S. 1941. Slaughter Houses.
- Title 70, Ch. 18, O. S. 1941. School Buildings.

ARTICLE V.—LEGISLATIVE DEPARTMENT

§ 39. Boards of Health, dentistry and pharmacy —Pure food commission—Present practitioners.—The Legislature shall create a Board of Health, Board of Dentistry, Board of Pharmacy, and Pure Food Commission, and prescribe the duties of each. All physicians, dentists and pharmacists now legally registered and practicing in Oklahoma and Indian Territory shall be eligible to registration in the State of Oklahoma without examination or cost.

St. 1931, § 13496.

Druggists 1, 3; Food 1; Health 1; Physicians and Surgeons 2, 5 (1).

TITLE 2

(1945)

AGRICULTURE

Chapter 6.—Dairying and Dairy Inspection

§413.3 Butter—Definition and standard.—All butter manufactured, stored, sold or offered for sale in the State of Oklahoma shall comply with the requirements of the following definition and standard for butter:

“ ‘Butter’ shall be the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than

eighty per cent (80%) by weight of milk fat, all tolerances having been allowed for. Butter shall not be made from milk or cream that is decomposed, filthy, cheesy, adulterated, moldy, rancid, or putrid, or which contains or has contained any objectionable article or substance, or is otherwise unfit for human consumption. Butter shall not contain any filth, excessive mold, or decomposed substance."

Failure to comply with the requirements of this standard and definition shall be considered unlawful.

Laws 1945, p. 3, § 3.

TITLE 11

CITIES AND TOWNS

Chapter 5.—Waterworks

§ 293. **Purchase or condemnation of land for waterworks—Protection from contamination or pollution.**—Any municipal corporation within this State may purchase or condemn and hold the perpetual right to use any lots or lands, either within or without the corporate limits of such municipal corporation, which the governing body of such municipal corporation shall determine by resolution to be necessary to be acquired by such municipal corporation for the location and building or enlargement at the time or in the future, of waterworks plant or plants, and every auxiliary part thereof, including reservoir site or sites to be flooded, and the lands adjacent thereto, and within six hundred and sixty feet of the margin of said reservoir at maximum high water; and also any lands which the governing body of such municipal corporation shall, by resolution, determine to be necessary to be acquired for the purpose of protecting any reservoir already constructed, or proposed to be constructed or enlarged, as a part of any such municipal waterworks plant or water supply, and the waters thereof, and the waters flowing therein or percolating or seeping thereto from possible contamination or pollution and policing the same; and such municipal corporation is hereby invested with the power of eminent domain for the purpose of acquiring any such lands; and the

proceedings for the condemnation thereof, including the notices, appointment of commissioners, assessment of damages, possession, payment of compensation and appeals, shall be the same as is provided by law for the condemnation of lands for railroad purposes, provided, however, it shall not be necessary in proceedings to condemn, under this Act,¹ to allege or prove any negotiations for the purchase of any lands or interests therein, with the owner or owners or claimants of any property sought to be condemned, where such ownership does not appear clearly from the title records in the office of the County Clerk of the County where such lots or lands are situate, or where the present owners are heirs of the person or persons who appear from such records to be the owner or owners, or hold or claim under such heirs, and the lands have not been partitioned, at the time the petition to condemn is filed; and provided, further, the notice of application for appointment of commissioners to assess damages in condemnation proceedings may, in all cases mentioned in the first proviso hereof, be given by publication, as provided by law for notice to non-residents, in the law regulating the condemnation of lands for railroad purposes. That the property and the land acquired as herein provided, and all lands previously acquired and hereafter acquired, insofar as the same are within Six Hundred Sixty (660) feet of the margin of such reservoir, at maximum high water, except such or any part of such lands, the natural drainage of which is not into such reservoir, shall not be used by such municipal corporation, its lessees or assigns, or other persons or corporation, for any purpose other than the protection of such reservoir and the waters thereof, from contamination and pollution, and no structure shall be placed thereon by any such municipality, individual or corporation, except such as are necessary in the furtherance of the protection of such reservoir from contamination or pollution, and in the use of such water. This Act shall be construed as cumulative to the rights and powers already possessed by municipal corporations to purchase,

take and condemn land for public uses. Laws 1923, ch. 204, p. 355, § 1.

¹ This section.

St.1931, § 6070.

Construction and application.—Lakeview v. Davidson, 166 Okl. 171, 26 P.2d 760; Ponca City v. Lewis, 177 Okl. 390, 60 P.2d 727; City of Wewoka v. Magnolia Petroleum Co., 151 Okl. 177, 3 P.2d 182.

13 A.L.R. 1132; 61 A.L.R. 452; Eminent Domain Ⓒ28; Municipal Corporations Ⓒ226.

§ 298. Water districts—Protection of water supply.—Any city or town in this State, securing its water supply from a stream or reservoir located outside of its corporate limits, shall have the power, and is hereby authorized to designate, by ordinance, through its mayor and council or other law making body, a district to be known as a water district; said water district to be designated by meets and bounds and to embrace any lands, directly or indirectly flowing or shedding water into any such stream or reservoir, in the discretion of said city or town; and said city or town, through its mayor and council or other law-making body, shall have the power, and is hereby authorized to enforce any rules and regulations made by the State Commissioner of Health, the county superintendent of public health, or the city superintendent of public health, for the protection of any such water supply. R. L. 1910, § 478.

Laws 1910, p. 28; C.S.1921, § 4418; St.1931, § 6067.

72 A.L.R. 673; Waters and Water Courses Ⓒ183½.

§ 299. Proceedings—Publications— Service. — All proceedings of cities or towns made hereunder, establishing any such water district, and all rules and regulations made by the State Commissioner of Health, the county superintendent of public health, or the city superintendent of public health, for the protection of any such water supply, shall be published in like manner as ordinances; and a copy of such published proceedings, including all rules and regulations, shall be served, as provided by law in civil actions, on each person, firm, association or corporation owning property in said water district, and upon the head of each family residing in any such water district; and all rules and regulations so made shall be posted in conspicuous places in said water district. R. L. 1910, § 479.


Laws 1910, p. 27; C.S.1921, § 4419; St.1931, § 6068.

Waters and Water Courses Ⓒ183½.

§ 300. Making and enforcement of regulations—Expenses.—The making, enforcement and penalties for the violation of any rules and regulations for the protection of any such water supply and water district shall be governed in all respects by the provisions of Article 1, Chapter 67:¹ Provided, that all expenses incident to and connected with the establishment of any such water district, and the making and enforcement of any and all rules and regulations for the protection thereof, shall be borne by the city or town operating hereunder, and paid as are other claims against any said city relating to its water supply. R. L. 1910, § 480.

¹Now Title 63, Public Health and Safety.

Laws 1910, p. 27; C.S.1921, § 4420; St.1931, § 6069.

Waters and Water Courses 183½.


Chapter 16.—Powers and Duties of Council

§ 665. Purchase or condemnation of land—Hospitals, workhouses and poorhouses—Health Regulations—Nuisances—Water supply.—The council may purchase or condemn and hold for the city, within or outside of the city limits, all necessary land for hospital purposes and water works and erect, establish and regulate hospitals, work houses and poor houses, and provide for the government and support of the same, and make regulations to secure the general health of the city, and to prevent and remove nuisances, and to make provisions for furnishing the city with water, and water rates shall be fixed annually by the council at their first meeting in June: Provided, the condemnation of such property outside the city limits, shall be regulated in all respects as provided by law. R. L. 1910, § 594; Laws 1910-11, Ch. 51, p. 127, § 1.

C. S. 1921, § 4569; St. 1931, § 6403.

Legislature may delegate to municipal corporations power to declare what shall constitute nuisance. Ex parte Jones, 4 Okl. Cr. 74, 109 P. 570, 31 L.R.A.,N.S., 548, 140 Am. St.Rep. 655; Ex parte Huling, 4 Okl.Cr. 89, 109 P. 576; Magnolia Petroleum Co. v. Wright, 124 Okl. 55, 254 P. 41; Duncan Electric & Ice Co. v. City of Duncan, 64 Okl. 211, 166 P. 1048.

Construction and application.—Harn v. State ex rel. Williamson, 184 Okl. 306, 87 P. 2d 127.

Municipal Corporations 597.

§ 666. Quarantine regulations.—The council may make regulations to prevent the introduction of contagious diseases into the city, and may make quarantine laws for that purpose, and enforce the

same within five miles of the city. R. L. 1910, § 595.

C.S.1921, § 4570; St.1931, § 6404.
Municipal Corporations 597.

TITLE 19

COUNTIES AND COUNTY OFFICERS

Chapter 17.—County Hospitals


§ 781. Bonds authorized.—All counties in the State of Oklahoma are hereby authorized to issue bonds for the purpose of purchasing sites, erecting and constructing county hospitals, including alterations, additions to, and enlargements of existing hospital buildings in such county, such bonds to be issued as hereinafter provided. Laws 1919, ch. 273, p. 386, § 1; Laws 1941, p. 66, § 1.

C.S.1921, § 5659; St.1931, § 7511.
Hospitals 592.

§ 782. Resolution of necessity —Petition—Notice of election.—Upon the adoption by the County Commissioners of a resolution declaring the necessity therefor, or whenever twenty per centum (20%) of the qualified voters of any county of this State, as determined by the last previous General Election, shall petition the Board of County Commissioners of such county to call an election for the purpose of issuing bonds to purchase sites, erect and construct county hospitals, including alterations, additions to and enlargement of existing hospital buildings, it shall be the duty of said County Commissioners to call an election and give notice thereof in two (2) daily or weekly newspapers of general circulations published at the County Seat of the county; provided, that if there be one daily or weekly newspaper published in such county, in that event one shall be sufficient, and such notices shall be published for four consecutive weeks. If there is no daily or weekly newspaper published in such county, then printed notices shall be posted in one of the most public places in each voting precinct of the county at least thirty (30) days prior to said election. Said petition calling for said election shall name the amount of bonds to be issued and shall state the time of holding said election, which shall not be less than thirty (30) days from the first publication of any notice or the posting of said notice,


and shall state for what purposes the hospital is to be used. Laws 1919, ch. 273, p. 386, § 2; Laws 1925, ch. 79, p. 127, § 1; Laws 1941, p. 67, § 2.

C.S.1921, § 5660; St. 1931, § 7512.

Hospitals 2.


§ 783. Holding of election—Ballots.—Said election shall be held at the time designated in said notice, at which printed ballots shall be cast, on which shall be printed “For Bonds” and “Against Bonds.” Laws 1919, ch. 273, p. 387, § 3.

C.S.1921, § 5661; St.1931, § 7513.

Hospitals 2.

§784. Issuance and sale of bonds.—If at said election three-fifths of the voters thereon shall vote in favor of the issuance of the bonds, the Board of County Commissioners shall proceed at once to the issuing of the same and shall deposit the bonds in the treasury of the county, the Treasurer being responsible and chargeable therefor on his official bond. The Board of County Commissioners shall proceed to sell said bonds and deposit the proceeds from the sale thereof in the Treasury of said County which money shall be paid out by the Treasurer upon the orders of the Board of County Commissioners from time to time as the same shall be needed; provided, however, that said bonds shall not be sold for less than par value thereof and accrued interest thereon. Laws 1919, ch. 273, p. 387, § 4; Laws 1925, ch. 79, 1927 § 2.

C.S.1921, § 5662; St. 1931, § 7514.

Hospitals 2.

§ 785. Form and terms of bonds—Recording.—Bonds issued as herein provided shall be made payable to bearer, bearing interest at the rate not to exceed six per cent (6%), per annum, payable semi-annually, and of denomination of not less than Fifty (\$50.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, each. The entire amount shall be paid within twenty-five (25) years. One twenty-fifth portion shall be paid each year together with the interest accrued on the unretired balance until all is paid. The bonds shall be of usual form and be so worded as to bind the county absolutely to the full payment of both principal and interest and shall be signed by the Chairman of the Board of County Commissioners and countersigned by the County Clerk. The bonds shall be recorded by the County Clerk and by the State

Auditor, both of whom shall endorse the same on the back thereof. The interest shall be evidenced by coupons attached of proper dates and maturity which shall be signed by the same officers who signed the bonds. Laws 1919, ch. 273, p. 387, § 5; Laws 1925, ch. 79, p. 127, § 3.

C.S.1921, § 5663; St. 1931, § 7515.
Hospitals ②.

§ 786. Tax levy—Board of control to file annual report—Estimate of needs.—It shall be the duty of the officers charged by law with the levying of taxes for county purposes to levy annually an amount sufficient to pay the interest due each year on the bonds issued hereunder and at the proper time, and in addition thereto to levy an amount sufficient to pay part of the principal as the same becomes due. * * * *¹

The board of control shall, before the end of each fiscal year, file with the Board of County Commissioners a report of their proceedings with reference to such hospital, and shall also file a financial statement and estimate of needs, and shall at the proper time certify the amount necessary to maintain and improve said hospital for the ensuing year.

The excise board of any county in this State which at the time of the passage of this Act operates a county hospital shall make an annual levy of not less than one-fourth ($\frac{1}{4}$) of one (1) mill on all the taxable property of the county, the proceeds of which shall be credited by the county treasurer to the county hospital fund, the purpose of this levy being to supply funds for the care of the county charity patients, and shall levy annually an amount sufficient to maintain such county hospital.

Provided, that in considering and fixing appropriations the excise board shall take into account as an item of income from sources other than ad valorem tax the gross operating receipts of the hospital for the previous fiscal year. Laws 1919, ch. 273, p. 387, § 6; Laws 1925, ch. 79, p. 123, § 4; Laws 1939, p. 220, § 1.

¹Asterisks in enrolled bill.
C.S.1921, § 5664; St.1931, § 7516.
Hospitals ②.

§ 787. Site and building.—Out of the proceeds of said bonds the County Commissioners shall proceed to purchase a suitable site for the erection of such county hospital and to erect said building on said site, or to alter, add to, or enlarge existing hospital buildings in accordance with the plans and specifications to be prepared by an experienced architect and submitted to said Board of County Commissioners, which plans and specifications shall have been approved by the Board of Control hereinafter created, according to the best methods of hospital practice for the particular disease or diseases to be treated in said hospital. Laws 1919, ch. 273, p. 387, § 7; Laws 1925, ch. 79, p. 128, § 5; Laws 1941, p. 66, § 3.

C.S.1921, § 5665; St.1931, § 7517.
Hospital ②.

§ 788. Contract.—Prior to letting any contract for the construction of said building, or the making of any alteration, addition to, or enlargement of existing hospital buildings, the County Commissioners shall advertise in at least one daily or weekly newspaper published in said county and such other papers as to them seem proper, for plans and specifications of said building, but if there be no such newspaper published in said county, then in that event, said publication shall be made by posting at least five printed notices in the most public places of such county, and after selecting plans and specifications the County Commissioners shall advertise for at least ten (10) days in some newspaper published in said county, or by posting five (5) printed notices in the most public places in said county for the bids for the construction of said hospital building, addition, alteration, or enlargement, and the contract for the construction of same shall be awarded to the lowest responsible bidder, who shall give good and sufficient bond for the faithful performance of his contract. Laws 1919, ch. 273, p. 388, § 8; Laws 1925, ch. 79, p. 128, § 6; Laws 1941, p. 66, § 4.

C.S.1921, § 5666; St.1931, § 7518.
Hospitals ②.

§ 789. Board of control.—It shall be the duty of the county commissioners to place the management and control of said hospital under a board of control composed of five (5) members. *****

chosen from the citizens at large, with reference to their fitness for such office, all residents of the county, not more than three of said board members to be residents of the city, town, or village in which said hospital is to be located. Members of the board shall hold their office, three for four years, and two for two years, and each subsequent two years the said commissioners shall appoint successors to such members of the board of control whose terms have expired.

Members of the board, as such, shall receive no salary or compensation for their services. Laws 1919, ch. 273, p. 388, § 9; Laws 1939, p. 221, § 2.

¹Asterisks in enrolled bill.

C.S.1921, § 5667; St.1931, § 7519.


Hospitals 4.

§ 790. Oath—Organization of board of control—Bond—Powers and duties—Pecuniary interest in purchases prohibited—Admission of indigent patients—Charges to others.—The said members of the board of control shall within ten days after their appointment qualify by taking the oath of civil officers, organizing the board of control by the election of one of their number as chairman, one as secretary, and one as treasurer, and electing or appointing such other officer or officers as they may deem necessary, but no bond shall be required from any of them save the treasurer who, before entering upon his duties shall file in the office of the county clerk a surety bond, to be approved by the county commissioners in a sum approximating twice the amount of the funds that may be confided in his care at any one time, the premium to be paid out of the hospital fund. The board of control of said hospital shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the hospital, not inconsistent with this act, and the ordinances of the city or town wherein such hospital is located. Such by-laws, rules and regulations made by the board and pertaining to the medical, surgical and hospital treatment shall be approved by the medical and surgical staff of the hospital. They shall have the exclusive control of the expenditures of all moneys collected or deposited to the credit of the hospital fund hereinafter provided for, and the hospital building or buildings, and of the super-

vision, care, and custody of the grounds, rooms, or buildings purchased, constructed, leased, or set apart for that purpose. All money received on account of the operation of such hospital, or otherwise, shall be deposited with the county treasurer in a county hospital fund which is hereby authorized, and such money shall be paid out only upon warrants drawn by the treasurer of the board of control, which warrants, to be valid, must have been authenticated by the chairman or secretary of the board of control. Said board of control shall have the power to appoint a suitable superintendent or matron, or both, and necessary assistants, and fix their compensation, and shall have power to remove such appointees, and shall in general carry out the spirit and intent of this act in establishing and maintaining a county hospital.

Such board of control shall hold meetings at least once each month, shall keep a complete record of all its proceedings, and three (3) members of said board shall constitute a quorum for the transaction of business. One of the members of said board shall visit and examine said hospital at least twice each month. No member of the board of control shall have a personal pecuniary interest either directly or indirectly in any purchases for said hospital unless the same are purchased by competitive bids. It shall be the duty of the board of control to admit, without charge, to the county hospital all indigent patients, certified to be such by the County Commissioners or any agent acting under authority of said Commissioners, in need of medical or surgical treatment, and all other patients admitted to said hospital for treatment shall be charged a just and reasonable price for their medical and surgical treatment and care while in the custody of said hospital. Laws 1919, ch. 273, p. 388, § 10; Laws 1923, ch. 206, p. 365, § 1; Laws 1939, p. 221, § 3.

C.S.1921, § 5668; St.1931, § 7520.

Hospitals  4.

§ 790a. Application of act.—The provisions of this act¹ shall not apply in cases where the Board of County Commissioners of any county in this state are now operating a hospital in connection with the Oklahoma home of the county under the

Poor and Indigent Statutes of this state out of county general fund revenues. Laws 1939, p. 222, § 4.

¹Sections 786, 789 and 790 of this title.

Hospitals ↪2.

§ 791. Repealed. Laws 1939, p. 222, § 5.

From Laws 1919, ch. 273, p. 388, § 11.

§ 792. Physicians and nurses.—It shall be the duty of said Board of Control to appoint none other than good, competent, trained and skilled nurses and attendants in said hospital and to employ such competent and skillful physicians and surgeons to care for and render medical and surgical treatment to the patients of said hospital. Provided, that the Board of Control may establish a training school for nurses. Laws 1919, ch. 273, p. 388, § 12.

C.S.1921, § 5670; St.1931, § 7522.

Hospitals ↪4.

§ 793. Purchase of building.—The County Commissioners may proceed under the provisions of this Act¹ to purchase any building or property already erected, which is suitable for hospital purpose. Laws 1919, ch. 273, p. 389, § 13.

¹Sections 781-793 of this title.

C.S.1921, § 5671; St.1931, § 7523.

Hospitals ↪2.

TITLE 21

CRIMES AND PUNISHMENTS

Chapter 39.—Indecent Exposure, Obscenity and Disorderly Houses (1945)

§ 1028. Setting up or operating place of prostitution—Ownership—Renting—Procuring—Receiving person for forbidden purpose—Transportation—Receiving proceeds.—It shall be unlawful in the State of Oklahoma:

(a) To keep, set up, maintain, or operate any house, place, building, other structure, or part thereof, or vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation;

(b) To knowingly own any house, place, building, other structure, or part thereof, or vehicle, trailer, or other conveyance used for the purpose of lewdness, assignation, or prostitution, or to let, lease, or rent, or contract to let, lease, or rent any such

place, premises, or conveyance, or part thereof, to another with knowledge or reasonable cause to believe that the intention of the lessee or rentee is to use such place, premises, or conveyance for prostitution, lewdness, or assignation;

(c) To offer, or to offer to secure, another for the purpose of prostitution, or for any other lewd or indecent act;

(d) To receive or to offer or agree to receive any person into any house, place, building, other structure, vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose;

(e) To direct, take, or transport, or to offer or agree to take or transport, or aid or assist in transporting, any person to any house, place, building, other structure, vehicle, trailer or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness, or assignation;

(f) To knowingly accept, receive, levy, or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any woman engaged in prostitution. Laws 1943, p. 83, § 1.

Effective on approval Feb. 26, 1943.

§ 1029. Engaging in prostitution, etc.—Soliciting or procuring—Residing or being in place for prohibited purpose—Aiding, abetting or participating.—

It shall further be unlawful:

(a) To engage in prostitution, lewdness, or assignation;

(b) To solicit, induce, entice, or procure another to commit an act of lewdness, assignation, or prostitution, with himself or herself;

(c) To reside in, enter, or remain in any house, place, building, or other structure, or to enter or remain in any vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation;

(d) To aid, abet, or participate in the doing of any of the acts herein prohibited. Laws 1943, p. 83, § 2.

§ 1030. Prostitution defined—Lewdness defined.—

The term "prostitution" as used in this Act¹ shall be construed to include the giving or receiving of the body for sexual intercourse for hire, and shall also be construed to include the giving or receiving of the body for indiscriminate sexual intercourse without hire. That the term "lewdness" shall be construed to include the making of any appointment or engagement for prostitution or lewdness or any act in furtherance of such appointment or engagement. Laws 1943, p. 84, § 3.

¹Sections 1028-1031 of this title.

§ 1031. Punishment for violations.—Any person violating any of the provisions of this Act¹ shall be guilty of a misdemeanor and, upon conviction, shall be imprisoned in the county jail for not less than thirty (30) days nor more than one (1) year; and the court in which any such conviction is had shall notify the County Superintendent of Public Health of such conviction. Laws 1943, p. 84, § 4.

¹Sections 1028-1031 of this title.

§ 1192. Spread of infectious diseases.—(1941)—

Any person who shall inoculate himself or any other person or shall suffer himself to be inoculated with smallpox, syphilis or gonorrhoea and shall spread or cause to be spread to any other persons with intent to or recklessly be responsible for the spread of or prevalence of such infectious disease, shall be deemed a felon, and upon conviction thereof shall be punished by imprisonment in the penitentiary not more than five years nor less than two years. R. L. 1910, § 2518.

C.S.1921, § 1959; St.1931, § 2434.

Howe v. State, 34 Okl.Cr. 33, 244 P. 826.

Health 6-23.

Chapter 48—General and Miscellaneous Provisions.

§ 1204. Dump near highway a nuisance.—Any dump ground for the reception and deposit of garbage, tin cans, rubbish or refuse and other items and matters generally referred to as trash maintained or operated within one hundred (100) yards of any state highway or any county road, is hereby declared to be a public nuisance. Laws 1945, p. 152, § 1.

Approved May 7, 1945.

Effective 90 days after April 26, 1945, date of adjournment.

Title of Act:

An Act defining a dump ground as a public nuisance under certain limitations and prohibiting the deposits of garbage, tin cans, junk, rubbish, or refuse and other matters commonly defined as trash within one hundred (100) yards of any state highway or any county road, prescribing penalty for violation of said act. Laws 1945, p. 152.

§ 1206. Punishment for violations.—Any person or any officer of any city or town violating any of the provisions of this act¹ shall upon conviction be fined not more than one hundred (\$100.00) dollars, or be imprisoned in the County Jail for not more than thirty (30) days, or by both such fine and imprisonment. Laws 1945, p. 153, § 3.

¹Sections 1204-1206 of this title.

Chapter 49—Animals and Carcasses.

§ 1222. Disposition of animals dying of contagious or infectious diseases.—It shall be the duty of the owner of any domestic animal in the State of Oklahoma, which may hereafter die of any contagious or infectious disease, either to burn the carcass thereof or bury the same within twenty-four hours after he has notice or knowledge of such fact so that no part of such carcass shall be nearer than two and one-half feet of the surface of the soil: Provided, That all hogs dying of any disease shall be burned. It shall further be unlawful to bury any such carcass as mentioned in this section in any land along any stream or ravine, where it is liable to become exposed through erosion of the soil, or where such land is any time subject to overflow. Owner, as used in this section, shall mean and include any person having domestic animals in his possession, either by reason of ownership, rent, hire, loan, or otherwise, and shall be subject to all the pains and penalties of this Article.¹ R. L. 1910, § 2521.

¹ R.L. 1910, ch. 23, art. 43, now incorporated in this title. Laws 1907-08, p. 21; C.S. 1921, § 1962; St. 1931, § 2442. Kern v. State, 4 Okl. Cr. 484, 113 P. 214; Tobin v. State, 4 Okl. Cr. 412, 111 P. 981.
Animals ☞34.

§ 1223. Leaving carcass in certain places unlawful. It shall be unlawful for any person to leave or deposit, or cause to be deposited or left the carcass of any animal, whether the same shall have died from disease or otherwise, in any well, spring, pond or stream of water; or leave or deposit the same within one-fourth of a mile of any occupied dwelling or of any public highway, without burying the same as provided in the preceding section of this act.¹ R. L. 1910, § 2522.

¹Section 122 of this title.

Laws 1907-08, p. 21; C.S.1921, § 1963, St. 1931, § 2443.
Animals ⚔34; Health ⚔28.

§ 1224. Violation of sections regarding carcasses a misdemeanor.—Every person who violates the two preceeding sections,¹ shall be guilty of a misdemeanor. R. L. 1910, § 2523.

¹Sections 1222, 1223 of this title.

Laws 1907-08, p. 22; C.S.1921, § 1964; St.1931, § 2444.
Criminal Law ⚔27.

§ 1225. Unclean Slaughter Houses.—If any owner or occupier of any slaughterhouses, or any premises where hogs, beeves or other animals are slaughtered, shall permit the same to remain unclean, to the annoyance of the citizens of this State, or any of them, every person so offending shall be fined upon conviction for every such offense in any sum not less than five nor more than twenty-five dollars, and if said nuisance be not removed within five days thereafter, it shall be deemed a second offense against the provisions of this section. R. L. 1910, § 2524.

C.S.1921, § 1965; St.1931, § 2445.
Nuisance ⚔65.

§ 1226. Selling or buying infected carcass.—If any person shall barter, sell or dispose of the carcass of any swine or other domestic animals infected with cholera or other infectious diseases at the time of death to any person for the purpose of manufacturing the same into lard, soap or for any other purpose, or if any person shall buy or otherwise obtain the carcass of any swine or other domestic animals infected with cholera or other infectious diseases at the time of death for manufacturing purposes as aforesaid or any other purpose except that of burial or burning he shall be fined in any sum not to exceed fifty dollars

or be imprisoned in the county jail not more than thirty days. R. L. 1910, § 2525.

Laws 1899, P. 57; C.S.1921, § 1966; St. 1931, § 2446.

Kern v. State, 4 Okl.Cr. 484, 113 p. 214.

Animals Ⓒ34.

§ 1227. Selling or driving infected swine on highway a misdemeanor.—It shall be unlawful for any person to sell or otherwise dispose of any live swine that is infected with cholera or any other contagious diseases or to drive any such swine on the public highways, after any such person or persons have received knowledge of any such contagious diseases. R. L. 1910, § 2526.

Laws 1899, p. 57; C.S.1921, § 1967; St.1931, § 2447.

Animals Ⓒ34.

§ 1228. Violation a misdemeanor.—Any person violating the provisions of the preceding section¹ shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not to exceed fifty dollars, or be imprisoned in the county jail not more than thirty days. R. L. 1910, § 2527.

¹Section 1227 of this title.

C.S.1921, § 1968; St.1931, § 2448.

Animals Ⓒ36; Criminal Law Ⓒ27.

TITLE 50

NUISANCES

§ 1. Nuisance defined.—A nuisance consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either:

First. Annoys, injures or endangers the comfort, repose, health, or safety of others; or,

Second. Offends decency; or,

Third. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake or navigable river, stream, canal or basin, or any public park, square, street or highway; or,

Fourth. In any way renders other persons insecure in life, or in the use of property. R. L. 1910, § 4250.

C.L.Dak.1887, § 4681; C.S.1921, § 7870; St.1931, § 11489.

Nuisance Ⓒ1, 79.

§ 2. Public nuisance.—A public nuisance is one

which affects at the same time an entire community or neighborhood, or any considerable persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal. R. L. 1910, § 4251.

C.L.Dak.1887, § 4682; C.S.1921, § 7871; St.1931, § 11490. Nuisance Ⓒ59 et seq.

§ 3. Private nuisance.—Every nuisance not included in the definition of the last section¹ is private. R. L. 1910, § 4252.

¹Section 2 of this title.

C.L.Dak.1887, § 4683; C.S.1921, § 7872; St.1931, § 11491. Nuisance Ⓒ1 et seq.

§ 4. Statute authority.—Nothing which is done or maintained under the express authority of a statute can be deemed a nuisance. R. L. 1910, § 4253.

C.L.Dak.1887, § 4684; C.S.1921, § 7873; St.1931, § 11492. Nuisance Ⓒ6, 65.

§ 5. Persons liable.—Every successive owner of property who neglects to abate a continuing nuisance upon, or in the use of such property, created be¹ a former owner, is liable therefore in the same manner as the one who first created it. R. L. 1910, § 4254.

¹Probably should read "by."

C.L.Dak.1887, § 4685; C.S.1921, § 7874; St.1931, § 11493. 12 A.L.R. 431; 14 A.L.R. 1094; Nuisance Ⓒ10, 70.

§ 6. Abatement does not preclude damages.—The abatement of a nuisance does not prejudice the right of any person to recover damages for its past existence. R. L. 1910, § 4255.

C.L.Dak. 1887, § 4686; C.S.1921, § 7875; St.1931, § 11494. Nuisance Ⓒ43, 76.

§ 7. Time does not legalize.—No lapse of time can legalize a public nuisance amounting to an actual obstruction of public rights. R. L. 1910, § 4256.

C.L.Dak.1887, § 4687; C.S.1921, § 7876; St.1931, § 11495. Lapse of time. Revard v. Hunt, 29 Okl. 835, 119 P. 589. 6 A.L.R. 1098; Nuisance Ⓒ66.

§ 8. Remedies against public nuisance.—The remedies against a public nuisance are:

1, Indictment or information, or,

2, A civil action, or,

3, Abatement. R. L. 1910, 4257.

C.L.Dak.1887, § 4688; C.S.1921, § 7877; St.1931, § 11496. 22 A.L.R. 542; 75 A.L.R. 1298; Nuisance Ⓒ71, 77, 89 et seq.

§ 9. Indictment or information.—The remedy by indictment or information is regulated by the law on crimes and punishment and criminal procedure. R. L. 1910, § 4258.

C.L.Dak.1887, § 4688; C.S.1921, § 7878; St.1931, § 11497. Information for keeping or maintaining public nuisance. *Blanton v. State*, 38 Okl.Cr. 149, 259 P. 655. Nuisance ↪89 et seq.

§10. Civic action.—A private person may maintain an action for a public nuisance if it is specially injurious to himself but not otherwise. R. L. 1910, §4259.

C.L.Dak.1887, § 4690; C.S.1921, § 7879; St.1931, § 11498. 32 A.L.R. 724; 55 A.L.R. 883; Nuisance ↪72.

§ 11. Abatement by officer.—A public nuisance may be abated by any public body or officer authorized thereto by law. R. L. 1910, § 4260.

C.L.Dak.1887, § 4691; C.S.1921, § 7880; St.1931, § 11499. Nuisance ↪78.

§ 12. Abatement by person injured.—Any person may abate a public nuisance which is specially injurious to him, by removing, if necessary, destroying the thing which constitutes the same, without committing a breach of the peace or doing unnecessary injury. R. L. 1910, § 4261.

C.L.Dak.1887, § 4692; C.S.1921, § 7881; St.1931, § 11500. Nuisance ↪74.

§ 13. Remedies against private nuisance.—The remedies against a private nuisance are:

1, A civil action; or,

2, Abatement. R. L. 1910, § 4262.

C.L.Dak.1887, § 4693; C.S.1921, § 7882; St. 1931, § 11501. Nuisance ↪18, 41.

§ 14. Abatement of private nuisance.—A person injured by a private nuisance may abate it by removing, or, if necessary, destroying the thing which constitutes the nuisance, without committing a breach of the peace or by doing unnecessary injury. R. L. 1910, § 4263.

C.L.Dak.1887, § 4694; C.S.1921, § 7883; St.1931, § 11502. Nuisance ↪20.

§ 15. Notice, when required.—Where a private nuisance results from a mere omission of the wrongdoer, and can not be abated without entering upon his land, reasonable notice must be given to him before entering to abate it. R. L. 1910, § 4264.

C.L.Dak.1887, § 4695; C.S.1921, § 7884; St. 1931, § 11503. Nuisance ↪20.

§ 16. Cities and towns—Power to define and summarily abate nuisances.—Cities and towns in this state shall have the right and power to determine what is and what shall constitute a nuisance within their respective corporate limits, and for the protection of the public health, the public parks and the public water supply, shall have such power outside of the corporate limits; and whenever it is practical so to do, said cities and towns shall have the power summarily to abate any such nuisance after notice to the owner, and an opportunity for him to be heard, if this can be given. Laws 1935, p. 131, § 1.

Municipal Corporations Ⓒ605, 623; Nuisance Ⓒ83.

§ 17. Abatement by suit in district court.—In cases where it is deemed impractical summarily to abate any such nuisance such city or town may bring suit in the district court of the county in which such nuisance is located, and it is hereby made the duty of the governing body of any such city or town by the adoption of a resolution to direct the bringing of suit in the proper court for the purpose of abating any such nuisance. The district court of the county in which any such nuisance exists or is maintained shall have jurisdiction of any such case and power to adjudge and determine any action brought under the provisions hereof, and where it is adjudged that any such nuisance exists or is maintained and should be abated, such court shall have the power and authority either by or through a commissioner appointed by such court or otherwise, to cause such nuisance to be abated and to assess all the costs thereof, including the cost of suit, against the property on which such nuisance existed or is maintained, and to declare such costs a judgement against such property and order and direct the sale of said property for the purpose of satisfying said judgement and shall cause the same to be sold and proceeds thereof applied to the payment of the costs of abating any such nuisance. Laws 1935, p. 131, § 2.


Municipal Corporations Ⓒ623 (4).

§ 41. Location of slaughterhouse.—It shall be unlawful for any person to maintain a slaughterhouse within less than one-half mile of any tract of

land platted into lots and blocks as an addition to any town or city within the State of Oklahoma, or to maintain such slaughterhouse within one-half mile of any tract of land platted into acre tracts for the purpose of being sold for residence, and in which tracts of land have actually been sold for residence purposes. R. L. 1910, § 4265.

C.S.1921, § 7885; St.1931, § 11504.

This section is repealed by Laws 1910-11, ch. 69, p. 154, § 4, insofar as in conflict with that Act. See sections 671-673 of Title 2, Agriculture.

27 A.L.R. 329; Nuisance  3 (10), 65.

§ 43. Nuisance may be enjoined.—The maintaining of any slaughterhouse or location and use of any graveyard or cemetery in violation of the provisions of this Article,¹ is declared to be a nuisance and any person owning real estate within any such addition to a town or city, or within land so platted and set apart to be sold for residence purposes may maintain an action in the courts to abate such nuisance and to enjoin their continuance, and if it appears that they are being carried on in violation of this Article, a perpetual injunction shall be granted against the parties maintaining such nuisance. R. L. 1910, § 4267.


¹R.L.1910, ch. 51, art. 2, sections 41-44 of this title.

C.S.1921, § 7887; St.1931, § 11505.

Nuisance  19, 79, 80.

§ 44. Duty of officers.—It shall be the duty of any sheriff, constable, or any other police officer to make complaint against such nuisance and hasten its abatement as herein provided. R. L. 1910 § 4268.

C.S.1921, § 7888; St.1931, § 11506.

Nuisance  82.

TITLE 70

SCHOOLS

Chapter 18.—Buildings

LIGHTING, HEATING, VENTILATION AND SANITATION

§ 541. Conformity to standards required.—Hereafter no school buildings shall be erected in the State of Oklahoma at a cost of four hundred dollars (\$400.00) or more and paid for from any funds derived from donations, taxation, or from the sale of bond, unless said building conform to

the standards hereinafter enumerated. Laws 1919, ch. 63, p. 100, § 1.

C.S.1921, § 10397; St.1931, § 6846.
Schools and School Districts 66.

§ 542. **Floor and air space.**—Every school room shall have not less than fifteen square feet of floor space and not less than two hundred cubic feet of air space per pupil, based on the maximum enrollment. Laws 1919, ch. 63, p. 100, § 2.

C.S.192, § 10398; St.1931, § 6847.
Schools and School Districts 66.

§ 543. **Windows.**—In every school room the total area of clear window surface must equal at least twenty per centum of the floor space, and no window admitting light shall be so placed in a class room or study hall that it must be faced by pupils when seated at their desks. All windows admitting light into class rooms or study halls shall not come lower than a point three feet from the floor and shall extend to a point within six inches of the ceiling and shall be so placed in one room buildings that the main light shall come from the left of the pupils as they sit at their desks, and in all larger buildings this condition shall be approximated as nearly as architectural demands and the demands of ventilation will permit.

Laws 1919, ch. 63, p. 100, § 3.

C.S.1921, § 10399; St.1931, § 6848.
Schools and School Districts 66.

§ 544. **Heating and ventilation.**—Every school building hereafter erected or reconstructed shall be so heated and ventilated that each school room and recitation room shall be supplied with fresh warm air at the rate of not less than thirty cubic feet per minute for each pupil during cold weather; and the windows shall admit of ready adjustment, both the top and bottom, and must be provided with some device to protect pupils from direct drafts. Laws 1919, ch. 63, p. 101. § 4.

C.S.1921, § 10400; St.1931, § 6849.
Schools and School Districts 73.

§ 545. **Cloakrooms and toilets.**—Each school building hereafter erected or remodeled shall be provided with ventilated cloakrooms sufficient for the wraps of the pupils and screened cupboards or built in closets for the storage of lunch baskets and pails of the pupils; and shall be provided with suitable number of water closets or outhouses, not less

than two for each building, where both sexes are in attendance. Such water closets or out houses shall be suitably constructed for and used separately by the sexes and shall be made as nearly fly tight as possible. When any water closets or out houses are outside and detached from the school building, the entrance thereto shall be protected from exposure by properly constructed blinds. The school board shall keep all water closets or outhouses used in connection with any school building, in a clean and sanitary condition and shall, not less than ten days prior to the opening of any term of school, and oftener if necessary, have them properly cleaned and disinfected. Laws 1919, ch. 63, p. 101, § 5.

C.S.1921, § 10401; St.1931, § 6850.
Schools and School Districts ↪66.

§ 546. Buildings to be disinfected.—The school board shall, not less than ten days prior to the opening of any term of school, have the building cleaned and disinfected. Should any contagious or infectious disease be in the community, or among the school children, the school board should disinfect the school building at least twice each month while such disease is prevalent, and as often thereafter as may be necessary for the health of the school children and community. Laws 1919, ch. 63, p. 101, § 6.

C.S.1921, § 10402; St.1931, § 6851.
Schools and School Districts ↪157.

§ 547. Plans and specifications.—The State Superintendent of Public Instruction shall prepare, or cause to be prepared, plans and specifications and blue prints for different types of one, two, three and four room school buildings, and arrange said plans and specifications in convenient book form, giving full information on the size of buildings, the amount of different kinds of material necessary for the construction of the buildings and approximate cost. He shall furnish said plans and specifications to school boards upon application without cost to the district; provided that the provisions of this section shall not apply to school buildings costing more than ten thousand dollars (\$10,000.00). Laws 1919, ch. 63, p. 101, § 7.

C.S.1921, § 10403; St.1931, § 6852.
Schools and School Districts ↪71.

SAFETY REGULATIONS

§561. Annual estimates—Safety requirements—Exits—Screens or window guards.—It shall be the duty of the school board or board of education of each school district in the State of Oklahoma, and each member thereof, to provide for and include in the annual estimate of their respective school district for each fiscal year hereafter, a sufficient fund to provide for and maintain all of the requirements set forth in the following provisions of this section:

(a) Every school building in the State of Oklahoma shall have at least two separate doors opening to the out doors or opening on a hall leading to the out doors, each of which shall open towards the outside and neither of which shall be kept locked when school is in session or during any public gathering therein.

(b) The screens or window guards over every window of every school room in the State of Oklahoma shall be attached in such manner that they may be easily detached and opened from the inside of said rooms. Laws 1925, ch. 114, p. 160, § 1.

St.1931, § 7120.

1 A.L.R. 1559; Schools and School Districts ¶66, 103.

§ 562. Lighting and lamps—Combustible material.—It shall be unlawful for any school teacher, school board or board of education, or any member of said board, of any school district in the State of Oklahoma, to permit or allow any lighted candle or other open flame for lighting purposes, to be used in any school building in the State of Oklahoma which is under their care, direction or control, while school is in session or during any public gathering in said school house, or to permit or allow therein any kerosene or other kind of lamp to be placed in such position that it can be easily overturned, or to permit or allow therein any kerosene, kindling, paper, or other highly combustible material to be kept near a stove or other place where same might be easily ignited. Laws 1925, ch. 114, p. 161, § 2.

St.1931, § 7121.

Schools and School Districts ¶73.

§ 563. Unlawful not to comply with act.—It shall be unlawful for the school board, board of education or any of the members thereof, to fail, refuse or neglect to provide for and maintain all or any one of the requirements set forth in section one of this Act,¹ on or before the opening of the school term next succeeding the passage and approval of this Act. Laws 1925 ch. 114, p. 161, § 3.

¹Section 561 of this title.

St.1931, § 7122.

Schools and School Districts ↪73.

§ 564. County Superintendent—Examination of buildings.—It shall be the duty of the county superintendent of public instruction of each county at least once in each year to examine the various school buildings and fixtures in his county with particular reference to the manner in which this law is complied with and to report such conditions to the State Superintendent of Public Instruction whenever called upon. Laws 1925, ch. 114, p. 161, § 4.

St.1931, § 7123.

Schools and School Districts ↪48.

The following references may be helpful:

Title 10, § 171.8, O. S. 1941; § 171.9, O. S. 1945, Crippled Children's Commission.

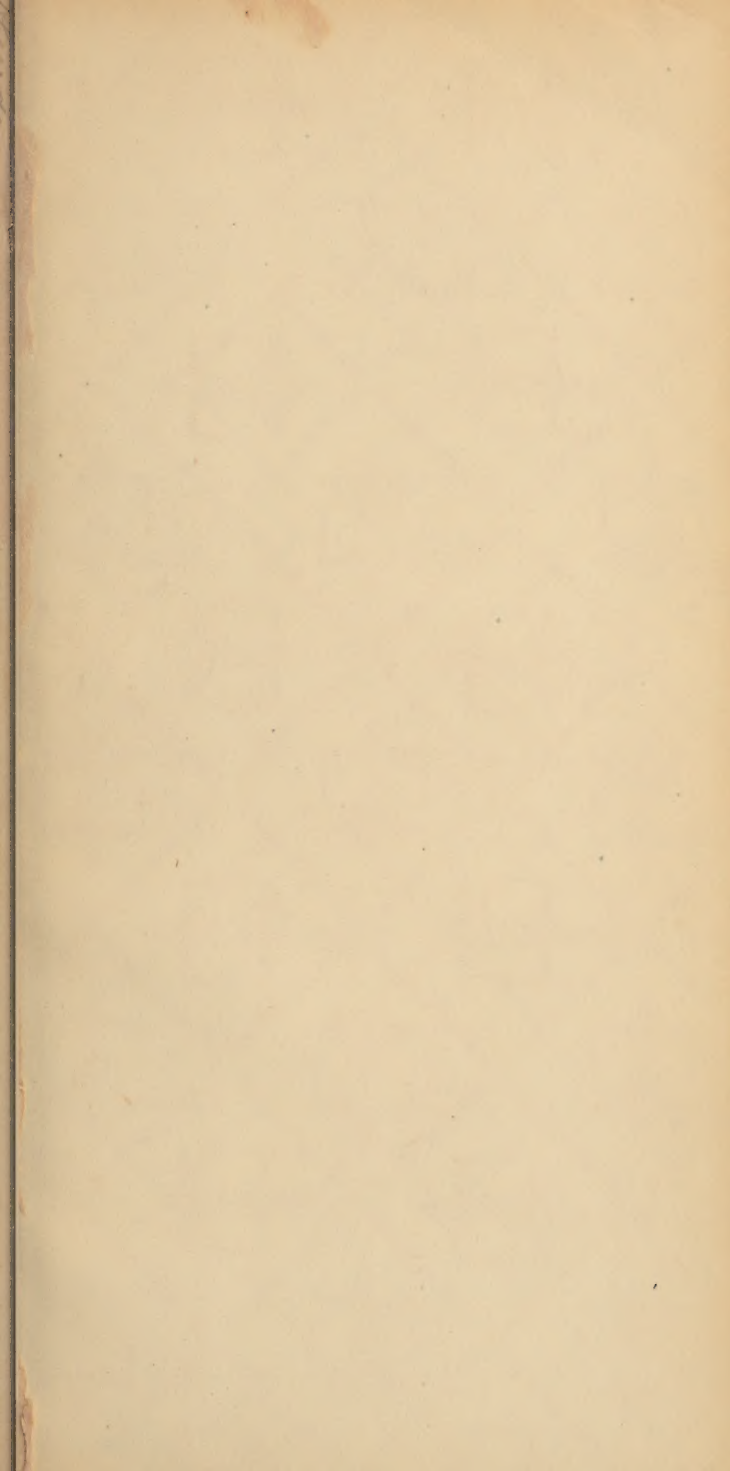
Title 18, § 581, O. S. 1941. Fraternal Hospitals.

Title 22, Ch. 24, O. S. 1941. Searches and Seizures.

Title 35, § 55, 56, O. S. 1941. Commissioner meeting with Board of Affairs relative to insane and feeble-minded.

Title 40, § 112, 113, O. S. 1941. Relative to Superintendent, Board of Health meeting with department heads to formulate rules.

Title 56, § 1, 2, O. S. 1941. Commissioner, Board of Public Welfare.







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